

The Nation.

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The Week.

Nor much that is new and at the same time important in relation to the Tammany frauds has come to light during the week. The Mayor's conduct still offers the same extraordinary spectacle. Apparently, he has not quite sufficient impudence to defy his accusers in silence; and not even in New York could even he dare to put in plain print full, true, and particular statements of what men of straw got how much money for such and such labor and such and such goods, the greater part of both goods and labor being imaginary, so he adopts the only other course left open to him, and now in this way, now in that, a new way with every morning, almost, he tries to fling dust in the eyes of the public, and after each failure tries once more. His last device is to cause the Comptroller to print a "public debt statement," the like of which he promises to publish every month hereafter, and most of which will have little or no value, it being so purposely confused and so destitute of particulars as to be baffling. Moreover, it differs from the Comptroller's other recent statements; and it and they, again, are different from the statements made in the Roberts-Taylor-Astor exhibit. In what it says of the total debt of the city and county it is tolerably intelligible, and it is anything but reassuring. This is the road we travel under the guidance of Mr. Tweed: In January, 1869, two years and a half ago, the total city and county debt was in round numbers \$29,000,000. In October, 1870, less than a year ago, it was \$55,000,000. In May of this year, three months ago, it was \$82,000,000; and last week it had increased to \$101,000,000.

Most, if not all, of this last increase of indebtedness, \$19,000,000 in thirteen weeks, is due, of course, to the issuing of bonds anticipatory of the year's taxes. But for years now, a great portion of the tax money when it came in has been diverted from the payment of the city expenses to the building of stables, club-houses, country seats, sets of silver—one with the Marquis of Tweeddale's arms engraved on it—yachts, horses, velvets for summer wear, and large diamonds for the wives and daughters of our gang of refined and literate rulers; and the deficiency thus created has been filled up by the issue of bonds payable in the next year. They have not been so paid; on the contrary, more has been added. But bills get pressing, and at this point the Legislature steps in with a law of the Ring's devising fixing the amount of tax for a two-years' term; and when it is too difficult to negotiate revenue bonds based on the two-year tax, more legislation makes the "consolidated stock of 1901," into which can be dumped all outstanding revenue bonds, and the Ring, taking its breath easily again, may proceed at leisure to build some more club-houses and yachts. It is not such a wonder, when one is brought face to face with facts like these, that some people hastily regret the Know-nothing days, and call for political leagues between the American and German elements of our municipal population. After all is said about the corruption of the Republicans of this city—and some of them could beat Tweed if hypocrisy adds anything to the sinfulness of sin—it is nevertheless true that, were it not for the solid wall of Irish votes, genuine and other, which are cast by the order of Tammany; were it not for that main body of the enemy, the party of decency would be strong enough to circumvent at least the wings and detached columns of the hostile forces. Still, there the solid wall is, an essential element of the problem.

The tension which has for so long been manifested in the relations between Secretary Boutwell and the Commissioner of Internal Revenue has at last culminated in the suspension of General Pleasonton, after he had declined to resign at the request of the President. His successor is Mr. J. W. Douglass, the late First Assistant-Commissioner.

The public will be glad of this event for two reasons: first, because a very wearisome topic has thus been removed from the daily correspondence from Washington; and, next, because it was an anomaly and a scandal that such an antagonism could exist twenty-four hours in the most important department of the Government. This view must be held even by those who take sides in the controversy, since no such harm can come from General Pleasonton's displacement as from the uncertainty to which the business community was subjected by an open conflict of opinion touching the law and official authority, and the continued exposure of the weakness and inconsistency of our financial system. The last straw, apparently, which broke Mr. Boutwell's patience, was General Pleasonton's efforts to give a wide circulation to his late decision revoking the tax on the borrowed capital of bankers—a decision not at all to the Secretary's mind, though, if we were to judge the quarrel by this particular incident of it, we should unhesitatingly pronounce in favor of the retiring commissioner. General Pleasonton's course in declining to allow his disagreement with Mr. Boutwell to be treated as a personal matter, and his determination to stand by the law, seem to us very much to his credit. The President has yielded law and right to make things comfortable; while the Secretary's narrow obstinacy in considering but one thing—"Will this course get us more money?" and not, "Is this the law?" or, "Is this equitable?"—has been disagreeably conspicuous.

The Massachusetts Republicans are in a dignified position. They think they may be obliged to take Butler for their next governor; but they are not quite sure that it may not be necessary now, as things have gone, to give the nomination to Dr. Loring; or perhaps, if they could induce Governor Claflin to stand again, they might save themselves from the other two; or in case Mr. Washburne, of the western part of the State, could be brought forward in good strength in the convention, why, then Governor Claflin might be allowed to retire as he wishes, and Loring and Butler could still be got rid of. As for Mr. Harvey Jewell, he will nohow do, because "he said at Worcester that the intelligent women of Massachusetts do not wish for the suffrage," which saying is regarded by the other women as "an insult to the noble women engaged in this movement," and furthermore "to every man in Massachusetts who has a mother, wife, or daughter." As for the Prohibitionists, they are divided. The Rev. Dr. Marvin thinks "it will not do any longer to trust Christian men in politics," and wishes the brethren to go with one mind for Mr. Butler, who will "make it hot for the rumseller," as formerly, in New Orleans, for the rebel he made it hot; but others of the brethren do not see their way clear to endorsing the General, and prefer Christians. The Labor Reformers, for their part, are rather reticent, and are said to be of the mind to give their votes to Butler, and that gentleman's friends are hinting that if he does not get the regular nomination he may decide to lump together the Labor Reformers' vote, the Woman-men's votes—a host which no man has yet numbered—the votes of some Democrats—non-existent, we take it—and of a good share of the Prohibitionists, as well as some Republicans, whom he would draw away from Dr. Loring, or anybody else, in Essex County. Loring, meantime, has his friends, and has apparently succeeded in getting on his side the New York *Tribune*, which publishes a letter detailing the Doctor's claims. The tenth claim is that "every little farmers' club, post of the Grand Army of the Republic, and almost every organization in the State having for its object the welfare of man, has seen his face and heard his voice, and the whole people know him, and he knows them, and can call them by name." The eleventh claim is "that he combines a strong faith in the platform on which Grant was elected with an ardent desire for the welfare of labor, temperance, and woman suffrage." In other words, say his enemies, the Doctor is a small and timid demagogue, who for some years now has sedulously carried himself about the country, making ornate agricultural speeches whenever he could catch ten farmers together, and who has no convictions, or any, as may be required.

He has done so much and so piteous begging for the nomination that it would be a shame for the State should he get it.

But good observers appear to think it is to a gentleman answering to his creditable description that the party may feel compelled to give the nomination if they would escape Mr. Butler. This is the same Mr. Butler, by the way—the same high-toned Butler that our Massachusetts friends were so proud of a year or two ago. He is not in the least changed from what he was when our friend "Warrington," who now says he shall not be governor—which dictum, also from such a source, ought to cause a flush of pride and pleasure to the party—was so pleased with him. He is the same modest, honest, statesmanlike legislator as he was then; can be trusted just as far without guaranties; is as brave, and as truthful, and as much a credit to his friends, as useful to his country, and as uncostly as he was then. He is still the identical Butler who invented the one system of finance costlier to a country than repudiation—the system which regularly threatens it and never does it, and reaps all the disadvantages and none of the advantages of robbing the public creditor, and of which "Warrington" was rather warm in approval, if we recollect rightly. It is this in the present contest in Massachusetts that helps to give it a national interest. As for the theory which some of Butler's friends have started, that the result in Massachusetts will affect the national prospects of the party, that it will not do to imperil Grant's chances, and that therefore Butler must not be alienated—it is a theory which may undoubtedly be left with its originators and need not be adopted. Butler's success would be a bad thing, as it always has been before; Adams's success would be a blessing in comparison, and in more ways than one. But, doubtless, there will be no need of going outside of the Republican ranks for the next Governor of Massachusetts, even though we count back into the Democratic ranks, where they were no very long time since, both the blustering, cunning, rascally candidate from Essex, and the soft-spoken one who wants the nomination so much.

There have been three Southern elections of interest and significance during the week—in Kentucky, North Carolina, and South Carolina. The first was for Governor and State officers; and, though the Democratic ticket was entirely successful, the party majority was reduced to something like 20,000, and, it is asserted, would have been even less had the new colored voters not been hindered from the full exercise of their right of suffrage. The Democrats not only had nominated inferior candidates, but were, to some extent, divided among themselves over the "new departure," which was, however, repudiated by most of them. The Republicans feel that they have won a substantial victory, and that the present odds can be overcome with time and patience. In North Carolina the issue was, as our readers are aware, the ordering of a convention to revise the constitution. It was calculated to bring out the strongest vote of the Republicans, who saw in the success of their opponents the undoing of the work of reconstruction, and such a redistricting of the State as would effectually prevent it from giving its vote to a Republican President. The result appears to have been adverse to the convention, though the majority cannot yet be accurately stated, nor can it, we imagine, be inferred that those were necessarily Radicals who voted against a fresh disturbance of the legal foundations of the State. The Republicans, nevertheless, will reap all the moral advantages of the victory. The municipal election in Charleston ended in the complete triumph of the citizens' Conservative ticket, by a majority of nearly 800. The present not unpopular Mayor, Mr. Pillsbury, who would probably have been retained if the proportional-representation ticket, once talked of, could have been agreed on by the two parties, is succeeded by General John A. Wagner, a prominent German. The election and the counting of votes, which took place on separate days, were attended with a good deal of violence, in which, of course, the blacks had a large share. They had previously shocked the decent men of both parties by a disorderly torchlight procession, which the *Charleston Republican* estimates to have cost their ticket five hundred votes. The *Republican*, by the way, has conducted itself before and since the election in a very honorable and outspoken man-

ner, the editor advising the scratching of certain disreputable names from the Radical ticket, and setting an example himself at the polls.

We had an impression, which we cannot now justify by reference to the proper sources, that one effect of the Taxpayers' Convention in South Carolina was to extort from the State Treasurer, Mr. Niles G. Parker, a promise of hearty co-operation with a committee which the Convention proposed to set to work at his books, in order to discover the truth or falsehood of the irregularities charged against him and the Legislature conjointly. We did not, for our part, believe that Parker would do anything of the kind, any more than we expect Hall and Connelly to make a clean breast of it when they offer to do so. In fact, there appears in the Charleston papers a letter from him to Mr. E. J. Scott, chairman of the Convention's committee, who, it seems, had applied to a legislative committee, regularly employed in examining the treasury accounts, for permission to join them, and had got the cold shoulder. Not taught by this rebuff, he had then sought Mr. Parker's approval of an independent examination, assisted by competent business men of Columbia, to be selected by the President of the late convention. Mr. Parker considers this "unparalleled presumption"; says if the legislative committee had consented to Mr. Scott's application, he, Parker, would have offered no obstacle; moreover, two previous committees of the Legislature, acting according to statute, had examined the Treasurer's accounts for 1868-70, and found everything straight, and he leaves, it to be inferred, the present committee may be trusted to whitewash as well as its predecessors. Finally, to grant Mr. Scott's request would be to open the door to all sorts of investigators, and thus "the office would be subjected to a great annoyance, and its business seriously retarded." Mr. Parker's faith in the ability and strict integrity of members of the Legislature is so great that Mr. Scott need hardly trouble himself to point out their utter disqualification for the task of overhauling accounts, and the worthlessness of any conclusion at which they may pretend to have arrived.

The principal item of news from the West—apart from Senator Morton's long speech, which was to the effect that the Democrats do not "depart," though they say they do, and that the country is satisfied with Grant—is concerning the squabble in Cincinnati about the observance of the Sabbath. Certain Germans wish the laws of the State to be so amended that they may be able to make of the day their Sunday, and sink all its Sabbatarian features. They present the usual arguments, as that no matter what the churches profess about the sinfulness of Sabbath work and Sabbath play, their only ground of calling work and play sinful on that day, which is not sinful on any other, is to be found in the Jewish Old Testament law, and that, tried by that law, the Sunday behavior of the church people themselves is frightfully wicked. To this the religious people reply by citing the statutes, and declining to go back of them, thus refusing to meet the Biblical issue. Furthermore, one of their organs, deprecating the wish expressed by some German to "Germanize and unpuritanize" this country, says that since the discussion began it has endeavored to conjure up a picture of what would have been the present condition of this country if, in place of the Pilgrim band that came over in the *Mayflower*, that vessel had been freighted with a crew of "Hassaurek's beer-jerkers"—waiters who carry beer to the customer—and gives us to understand that the picture of what would have been our condition in that case is depressing enough. Such discussions, no doubt, stir up some ill feeling; but doubtless are on the whole profitable. And meantime, as the people usually display the practical sense of making the law such as to satisfy the religious world, and of interpreting it, or neglecting to enforce it, in such a way as to satisfy the vast majority of the less religious part of the community, everybody may well be reasonably content, and not stand out for the formal logical correctness of the thing. Practically, Sabbatarianism is less rigid than it was twenty, or fifteen, or ten years ago, but it may well be doubted if the Sunday, the day of rest and of spiritual and other re-

freshment, has lost none of its hold on the minds or hearts of the race, or that it will lose any, though further modifications it is assuredly to undergo.

In the money market the only ripple of excitement has been caused by a spasmodic advance in some few of the leading speculative stocks, not unreasonably attributed to clique movements, since there is absolutely no other business doing in securities. Gold has advanced a trifle upon an unexpectedly large decrease in the supply in bank, but, as foreign exchange continues weak, the export of specie is quite limited. The movement of gold from England to France is now beginning to be apparent, the English bank losing five millions in a week, and the French bank gaining as much; but the extraordinary accumulation in the Bank of England, far exceeding anything known in its previous history, is too great to be affected by a change so slight. Nor has the change produced any effect upon the finances of this country, where the money of commerce continues abundant and cheap, at two to three per cent. per annum. Government bonds remain strong, aided by the very favorable exhibit of the national debt, which shows a reduction of nearly nine millions of dollars, on a very steady and regular movement which calls for no remark. Some discussion is still going on among mercantile men concerning the apparent buoyancy of the French, and the very evident depression of German industry since the conclusion of peace; and the latent anxiety with which the English money market was at first regarded is now, to some extent, transferred to Germany. But the results of this last war set all calculations at defiance, and it may be that the French activity will prove as deceptive as many other French qualities and actions. The later correspondence, indeed, entirely destroys much of M. Thiers's rose-colored visions of finance, and the declining price of rentes confirms its truth.

Trade has continued dull, prices everywhere declining. Breadstuffs are now as low as in the period of greatest depression last spring; and meats and provisions are lower than they have been since the commencement of the war; and although, after such a steady decline, a reaction would seem natural, there are as yet no signs of it. Crop accounts are somewhat varying, but in the main favorable. For the smaller grains harvest weather has been excellent, and the promise for corn appears to be now very good. Cotton is likewise materially improved, and with favorable weather and continued liberal receipts from the old crop, the price has somewhat declined. Trade everywhere is quiet. From the coal regions complaint is universal. The Southern Atlantic States and the Far West are alike despondent. Many accounts concur in speaking of an *eastward* emigration, and it is evident that railroads are not spreading unmixed abundance over the great West. Real estate is dull and declining; the daily papers report thirty-one sales at the Exchange during the week, of which thirty were made by order of "the court," chiefly foreclosures. Yet very high rates of interest are said to have been recently again paid for mortgage loans.

There are some cheering signs of improvement visible in French affairs; but, on the whole, the situation is still far from being settled; and, at the best, France might be said to be in a state of transition not decidedly discouraging. The second half-milliard of the war indemnity has been paid off by M. Pouyer-Quertier, and the third is expected to be paid within a month or two, whereupon the German army of occupation will have to evacuate the Paris forts, and be confined, at its minimum rate of strength, to the provinces of Champagne and Lorraine. Its diminution is even now rapidly progressing, in spite of not unfrequent, and occasionally not unbloody, conflicts with French anticipators of the national *revanche*; while the captive French are reported to have all been sent home from Germany, with the exception only of some hundreds of sick, or persons imprisoned for offences. The national army of France is in every respect in a fair way of reorganization, and it must be acknowledged that, notwithstanding

its manifold political proclivities, it has, as yet, betrayed no sign of an inclination to overstep its legitimate sphere, and lend itself as a tool to the machinations of either popular demagogues or princely pretenders. The formerly Imperial generals—MacMahon, Cissey, Ladmirault, Douay, and others—are evidently giving their earnest support to M. Thiers's trial of establishing the Republic through monarchists; and the old statesman is supple enough to accept, at the same time, with good grace, the co-operation proffered him by such Republicans *par excellence* as Gambetta and his admirer, General Faidherbe.

But while M. Thiers has no reason to complain of the army and its officers, he is still in a mood to quarrel with the majority of the Assembly; or rather, that majority, greatly reduced and still more demoralized by the elections of July 2, is very much inclined to quarrel with him, though circumstances do not allow it to do so in an open, defiant, and manly way. It has compelled him to give up Jules Favre, but the substitution for the latter, as Minister of Foreign Affairs, of Charles de Rémusat—an old political associate of the Chief of the Executive, and an esteemed philosophical writer—is no concession to the reactionary spirit which sent the unfortunate diplomatist back to his bar. The Right in the Assembly may check or frustrate the movement for a definite prolongation of M. Thiers's term of office which is going on among various fractions of the Left and Centre, but its power is too much on the wane, and the popularity of the future "Washington of France" too much in the ascendant, to admit of his overthrow by an opposition which, on account of its irreconcilable dissensions, is incapable of presenting a programme to the nation. That he dares to expose his popularity to violent shocks by opposing, from reasons of economy, such measures as the indemnification of the provinces by the state for losses sustained during the invasion, is decidedly creditable to the firmness with which he follows his own convictions in the trying position in which he is placed. It need hardly be said that the greatest difficulties he has to contend with are created by the financial questions, including the attempted, but very slowly progressing, remodelling of the tax and duty systems. What to do with the thirty thousand Communist prisoners, whose trial by court-martial has finally been begun, is probably a question of little less magnitude and gravity. Nor is the state of Algeria reassuring.

Outside of France, there is a lull in the affairs of Continental Europe, though the political undulations caused by the late great movements have not entirely subsided. Austria—that is to say, its Cisleithan or western division—is perhaps the most deeply agitated. Hohenwart, the President of the Cisleithan Cabinet, is pushing his attempt at gently transforming the dualistic empire into a federal one with energy and rather surprising ability, and, a few weeks ago, won an eminent triumph in the Upper House of the Reichsrath, over a powerful array of talent mustered against him by the German party, among whose orators figured Count Anton Auersperg, Austria's greatest literary genius. The Hohenwart Ministry is strongly backed by the court, at least unopposed by Count Beust, and now unreservedly supported by the Poles, who expect to be the greatest gainers by the transaction. The ministerial negotiations with the Czechs—whose favor the court has exerted itself to win by sending the young Imperial Crown Prince on a tour through Bohemia—are still going on; and all eyes in the empire are at this moment turned in that direction. The principal leader of the Czechs, however—Dr. Rieger—is too reticent for public curiosity, and blamed for not imitating the frankness and outspokenness of Deák on the occasion of similar transactions in Hungary, some years ago. But the greater evil is that the political wisdom of the Czechs in general is as much inferior to that of the Hungarians as the statesmanship of their Rieger or Palacky has shown itself to that of Deák or of the lamented Eötvös; and it is apprehended that the "Young Czechs" will spurn the liberal offers now made them, in the vague and probably delusive hope of obtaining more through a threatening attitude and disloyal coquetting with Russia.

THE PROSPECT OF MUNICIPAL REFORM.

THAT the rich taxpayer shall keep a close watch on the public revenue is one of the clearest and most undeniable duties that he owes not only to himself, but, even in a higher degree, to his poorer fellow-citizen—to the man who pays his tax, not out of superabundance, but out of earnings for every dollar of which he has two uses, whose well-being is the well-being of the whole city, but who, almost invariably, is unpractised in the management of large and complicated business; whom, therefore, it is easy to cheat; who, even when he knows he is being robbed, has seldom the skill to perceive just where the fraud lies; and who is without the weight and influence to make himself feared and his wishes regarded. Every man of small earnings, every woman of scanty means who pays a tax, has a right to the vigilant protection of the bank president, the shipowner, the great trader and manufacturer; and these are in fact but little less than oppressors of the poor if they look on and allow criminal maladministration of the revenue. How they discharge their duty to their poorer fellow-citizens in this city, they have recently shown us; and we fear they have indicated to us how good hope there is of the much-talked-of reform in our financial affairs. For two years they have stood by and let the city revenues be managed by men who, to speak entirely within bounds, would, whether honest or not, render no account of their receipts and expenditures, although the law requires regular accounts, and although the custom of trade, the immemorial usage of civilized society, and one of the foremost of moral canons requires, even in the absence of statutory enactment, that every person handling other people's money shall frequently, or when called upon, render full, true, and just accounts of it, neglect or refusal to do so at once and fairly raising strong presumption of fraud. Yet over this shameful violation of the poor taxpayer's rights no rich man raised his voice, and of all the press of the city there was only one newspaper which made much disturbance about it.

And this is not all; nor the half. By-and-by the presumptive defaulter, on finding that his failure to account is bringing his party into discredit, comes to half-a-dozen leading citizens with the request that they shall call in at his office, look at his books, and certify that they are all right. The leading citizens did not say to him that by his own act he had brought himself under vehement suspicion of embezzling the public money; they did not show him the door, and inform him that the way, and the only way, for him to purge himself was to do his plain duty as enjoined on him, and file his accounts; but they accepted his invitation, went down and made a slight examination of one department of his office; looked in the safe at some bonds which not a man of them could swear were not borrowed for an hour from a neighboring bank, and then they signed a certificate saying that the Comptroller's accounts were correct, and he a good and faithful public servant. These gentlemen, of whom one was a bank-president, were all men of immense wealth, were all accustomed to business, and they one and all must have known perfectly well that their examination was farcical, and that their act was false to the duty they owed their fellow-citizens. At all events, they were all men of mature age, and they must have recollected perfectly well the examination that was made some twelve years ago, when, at the accession of Mayor Tiemann, there being cause to suspect defalcation in the Comptroller's office, the Mayor ordered an investigation. On that occasion, the examination—undertaken by Mr. Abram S. Hewitt, with other gentlemen—lasted, not a few minutes, but six laborious months; and the result of it was the detection of malfeasance, not the whitewashing of an official who a few months afterwards stands silently confessing his complicity in enormous thefts.

Great outcry is now made in view of recent disclosures, and weighty signatures are appended to calls for public meetings, and there is talk of more committees, but we confess we, for our part, can see only too little reason why the poor citizen should put much of his trust and confidence in his rich neighbor, or look forward with much hope to the result of the agitation that is going on. Reform is needed, heaven knows; but that we have got much to reform with is anything but clear. There was a plain enough case before. Not everybody admitted, indeed, but we may safely say that everybody knew, with moral certainty, that the city treasury had long been, and was then,

regularly robbed, to put it simply, by a certain half-dozen men, of whom the suspected official was one. And the committee was composed of eminently respectable men. It did not lack business ability, nor good standing, nor piety even. It was not all Democratic. In fact, one of its members is a very prominent Republican, who, at only the last election, was warmly supported as a candidate for a Republican nomination for the governorship, and who, undoubtedly, still has "claims on the party," which we shall yet see pushed—in which case we are free to say that it will become the duty of his opponents to remind themselves of the particular claim on the party constituted by the action on which we have been commenting. Not, for that matter, that he is alone among Republicans, or that his action, on that occasion, is by any means the worst that is to be alleged against members of his party in this city and State. Regularly each year, at Albany, a sufficient number of Republicans are bought to carry through the required Tammany measures, and in this city we have in perpetual activity the Tammany Republican gang, with its General Committee, which no convulsion of the party seems able to dispose of finally, which is in full communion with Tweed, and which makes and unmakes United States Senators and Representatives. Pretty nearly the one sign anywhere visible, giving any hope that there may be deliverance for the city at the hands of the Republican party itself, is that, while the whole Democratic press of the State, with hardly an honorable exception, is devoting itself to the business of showing that there have been no frauds in Comptroller Connolly's office, or that, if there have been, they were Radical frauds, the Republican press is firm in exposure and denunciation of them. Of course, there is in this denunciation plenty of rather hollow indignation, which, were the Comptroller a Republican defaulter instead of a Democratic, would not make the writers' breasts very uncomfortably hot. But leaving aside all assertions as to the relative morality of the two parties, this, at least, has been effected, that throughout the State, among Democrats and Republicans in the rural districts, the facts of the immense defalcations are made known, and there is, in consequence, a better prospect than there has been for years that a majority of the Legislature will be composed not only of honest men, but of men determined to take away from the City Government some of its power to plunder. The prospect is not a very cheering one, to be sure; the fact still remains that in this city the intelligent men are so engrossed in business, and successful business, that a moral interest in politics they will not take; and the other fact, that behind Connolly and Sweeny there is an immense constituency of their degraded and ignorant countrymen, and an unequalled machinery of fraud. Still, there is some considerable disgust with Tammany among the kind of Democrats who are Democrats from intellectual conviction, and not, as many of our Republican editors, even clever ones, conceive all Democrats to be—namely, from a moral nature in decay and an intellect in total darkness. Among the German Democrats in particular there is a disgust and indignation which will, we have no doubt, be really appreciable at election time. And among the Republicans in general, just at the present moment, the repute of the Tammany variety of Republicans is very low.

We may, then, get a sound legislature, and, having got it, there may be a possibility of devising new restrictions that may somehow help us somewhat. To this end—whether or not Connolly be ever punished, and whether or not Hall be still elected over us, and Tweed still appointed over us—it is well, doubtless, that agitation should go on, public meetings be held, committees appointed, investigations made. How much may come of the investigations it will be time enough to say when they are made—and, we may add, made not at Mayor Hall's invitation. This at least should be decided upon by whatever honest and honorable men—if any such will have anything to do with the matter—undertake to examine the accounts: that as they are not, if they can help it, going to make any whitewashing report, so, too, it must be expressly understood from the beginning that, in consenting to serve as a committee to get out of Hall and Connolly what information those persons may vouchsafe, they do not for a moment say that the game of now and again calling in a committee from the outside is not in itself a whitewashing operation; and that their action must be

taken as supplementary to the regular publication of full, true, and frequent accounts, and is in no respect to be held as a substitute for such publication, nor as dispensing Connolly for another couple of years. Whatever the examination may bring forth, it will be as well to guard the honor of the committee.

THE LATEST DECISION IN ERIE.

THE courts of the United States have a twofold jurisdiction. The first class embraces controversies in which the jurisdictional fact is the nature of the subject-matter itself. Among these are cases arising under the Constitution, under laws of Congress, or under treaties. The second class embraces controversies in which the jurisdictional fact is simply the residence of the parties litigant, and it extends to all kinds of subject-matter, national and local. Among these are suits between citizens of different States, and between citizens of a State and foreigners. It is sometimes supposed that a suitor, afraid to venture into the State courts, if he can obtain a hearing in the United States tribunals, is sure to find therein the correct application of sound law, the justice and equity which may be denied him elsewhere. He will certainly, in the great majority of instances, find judges able, independent, fearless, controlled by no powerful combinations or gigantic corporations, uncorrupted and incorruptible by money bribes or by political influence. He will not, in general, however, find any different exposition or application of the law. In all cases where jurisdiction depends solely upon the residence of the parties, the subject-matter must, of necessity, grow out of, and depend upon, the local State law, either statute or judicial. The court in rendering judgment is simply expounding and applying this State system, and by the general theory of its powers must be controlled by the precedents which the State tribunals have established. This rule of practice, which is always acted upon, even by the Supreme Court of the United States, must apply with a special emphasis to the construction of State statutes. When the State judges have given an authoritative and solemn interpretation to any such statute, they have furnished a guide to the national judiciary which the latter are bound to follow in all cases depending upon the same provision. The English stockholders in the Erie Railway Company have just been made victims to this principle—much, we presume, to their own surprise and disgust. As their case has an importance far beyond the mere private rights involved, as it affects the financial operations of the country, we purpose to enquire whether the rule was properly applied to them, and whether the decision of Judge Blatchford was correct.

It will be necessary to recapitulate a few facts, which are, doubtless, well known to our readers. Certificates representing a little over 60,000 shares of stock in the Erie Railway were, for purposes of convenience, transferred to Messrs. Heath and Raphael, of London, and sent to this country in the care of an agent. The officers of the company, however, refused to transfer the shares upon the books, so that they could be made available. An action was also commenced by the company, in the Supreme Court of the State, against Messrs. Heath and Raphael, and their agent, involving the use of these shares. Upon an *ex-parte* application in this suit, Mr. Justice Barnard appointed one Coleman a receiver of the shares, and delivered the certificates into his custody. We described the remarkable performances of this gentleman in a recent article, illustrating the new profession of receiver. It appears that after having voted upon the stock at an election of directors, he surrendered about 30,000 shares, and took back a certificate to himself, which he has carefully preserved, as though it had any commercial value. The officers of the company, however, issuing duplicate certificates purporting to represent the same shares, procured them to be registered with the Farmers' Loan and Trust Company—which alone gives them a negotiable character upon the Street—and threw them upon the market. The corresponding amount of stock in the hands of Coleman, but, in reality, belonging to English owners, was thus rendered valueless. The suit was subsequently transferred to the United States Circuit Court. The foregoing facts having been developed in a proceeding set on foot by Heath and Raphael, Judge Blatchford has very properly ordered the company and its officers to procure the stock in the hands of Coleman to be registered. This simply

means that the company shall make good to the English owners the property which had been abstracted, and shall replace the shares which had been made valueless—the mere *simulacra* of shares—by other and genuine certificates, possessing a transferable and commercial character. The directors of the company proposed to do this by creating 30,000 shares of new stock, issuing certificates therefor regular on the face, and delivering them to the receiver. The Englishmen naturally objected to this convenient plan. Disliking a complete destruction of their property by the process of confiscation, they equally disliked a partial destruction by the process of watering. They, therefore, commenced a suit in the United States Circuit Court against the company and its directors to restrain the proposed creation of new stock. Judge Blatchford has now denied the plaintiffs' motion for an injunction, holding that the power of the directors depends upon the interpretation to be given to a statute of New York, and that the decisions of the State Court in Belmont against the Erie Railway (52 Barbour 637), and in Jenks against the Central Railroad, unreported, furnish him with controlling precedents.

What is the statute which thus permits the directors of a railroad corporation to create new stock at pleasure, even to replace that belonging to stockholders which they had confiscated and converted to their own use without a shadow of legal or moral right, and by a most gross act of fraud, which they did not even attempt to justify when called to an account, except by pleading their great and pressing needs for money? The General Railroad Act of 1850 is made applicable to the Erie Company. Section 9 permits the capital stock of a corporation to be increased by the concurrent act of two-thirds of the stockholders, and carefully prescribes the methods by which a meeting shall be called and held for this purpose, and a vote taken. Section 28 enumerates the powers of railroad corporations. By subdivision two, they are empowered "from time to time to borrow such sums of money as may be necessary for completing and finishing or operating their railroad, and to issue and dispose of their bonds for any amount so borrowed, to secure the payment of any debt contracted by the company for the purposes aforesaid; and the directors may confer on any holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, under such regulations as the directors may see fit to adopt." Unless this clause confers authority upon the Erie directors to create the 30,000 shares of new stock, through the means of convertible bonds, such authority confessedly does not exist at all. A judicial or rather semi-judicial construction has twice been given to this language. The first instance was in the notorious case of Belmont v. the Erie Railway. In that suit, brought by a stockholder, an injunction had been granted restraining the company from issuing new stock, and a receiver had been appointed. A motion was subsequently made by the company, before Judge Cardozo, holding a Special Term, for a rehearing of the original application. He reheard it, reversed the former action of another judge, dissolved the injunction, and revoked the receiver's appointment. The matter was completely disposed of, and the motion was avowedly decided by him, upon considerations and grounds having no connection whatever with the statute, or with the powers of directors to create new stock. After having thus determined the case, and directed the order to be made, he proceeded to give, what he declared in express terms to be unnecessary, his opinion upon the statute. He found in it an authority for the directors "in a proper case" to give bonds for money borrowed for purposes mentioned in the statute, and to permit those bonds to be converted into stock, even though the amount of capital authorized by the charter was full. He added, however, "I do not doubt if the court were satisfied that bonds were about to be issued by the directors of the corporation, not for the payment of moneys actually borrowed for the purposes authorized by the statute, but as a part of a fraudulent device to increase the stock, the issuing of them might be restrained by injunction."

But the very admissions made by Judge Cardozo show that his opinion, broad as it is, does not cover the case of the English stockholders. The directors of a railroad may "borrow such sums of money as may be necessary for completing and finishing or operating

their railroad," and may issue bonds "to secure the payment of any debt contracted by the corporation for the purposes aforesaid." These bonds may be converted into stock. Judge Cardozo expressly concedes that all these conditions must be fulfilled, or else the creation of new stock would be illegal, and would be enjoined. It is enough to say that, in the case before Judge Blatchford, the directors have borrowed no money at all which is to be secured or repaid by the 30,000 shares of new stock which they are about to issue. But even if they had borrowed the actual cash, and had given their bonds therefor, such money was not obtained nor used "for completing and finishing or operating their railroad." The meaning of "completing and finishing" is plain. "Operating" can only signify the carrying on the road as a means of transit. The clause says "operating the railroad" in connection with "completing and finishing" it. The directors are not authorized to borrow money and give convertible bonds for the purpose of *operating the company*. If, therefore, any cash was actually borrowed, it was not obtained for the purposes contemplated by the statute, the conditions upon which convertible bonds may be issued were not fulfilled, and the case falls precisely within the terms of Judge Cardozo's exception.

Judge Blatchford says that he is bound by this decision. We answer, in the first place, that if it was a decision he would not be bound by it. The opinion of a single judge, sitting at Special Term, not given upon the trial and as the basis of a final judgment, but upon a motion for a preliminary injunction, does not establish the law. It is not conclusive even upon the same judge himself nor upon his fellows, when the facts are afterwards presented in a more formal manner for their examination. Much less does it establish and fix the law of a State so as to be imperative upon the national judiciary. We must remember that, if Judge Cardozo has, in his offhand manner, given the rule to the United States Circuit Court, he has also given it to the Supreme Court at Washington. But, in the second place, Judge Cardozo made no decision upon the statute. It is well known that there had been a bitter personal contest among the Supreme Court judges over the Erie Railway, into which Judge Cardozo entered with all the vehemence of his nature. What he said in reference to the statute, after he had heard and decided the motion before him, was not addressed to the parties, nor to their counsel, nor to the merits of the controversy; it was a blow aimed at some of his brethren upon the bench, similar in spirit and design to that recently given by him to his colleague, Mr. Justice Brady. It was no judgment, no judicial decision; it was the opinion of Albert Cardozo, and is no more binding upon Judge Blatchford than would be the opinion of any other member of the New York bar, expressed under similar circumstances.

If Judge Blatchford's position is correct, we reach this most astounding result: The officers of a railroad corporation, having through fraudulent means obtained the physical possession of stock certificates belonging to private shareholders, and so endorsed as to be transferred by delivery, may surrender the same, and procure others to be issued to themselves or to their agents, to be thrown upon the market, and to be sold to bona-fide purchasers. The directors of the company ratifying this act of gross fraud and spoliation, may, under pretence of borrowing money "necessary for completing and finishing or operating their railroad," issue bonds to themselves as individuals, convert them into stock, and offer the new shares, depreciated by this process, to their defrauded constituents, and these latter will have obtained all the redress which the law affords. If this be the law of New York, foreign capitalists may well be shy of New York investments.

CHAMBORD'S SUICIDAL MANIFESTO—THE DUC DE CHARTRES.

PARIS, July 21, 1871.

TOLD you in my last letter that the elections held in many parts of France had been in reality a verdict against the Count de Chambord. Since they took place, the last Bourbon has left Bruges, where he has been living lately, and made a short appearance at the old castle of Chambord. He found it deserted and dilapidated; only a few foresters and servants were advised of his presence. When it was known, many of the old nobility of Touraine came to pay their respects to the man whom they always have considered their king. As the Legitimists had shown a great

readiness to abrogate the laws of banishment passed against the Orléans family, and forced this act of justice on M. Thiers, who was very reluctant to open the doors of France to the sons of King Louis Philippe, the Count de Paris, inspired by a feeling of gratitude, offered to pay a visit to the Count de Chambord, to thank him, in the name of all his family, for the support the Legitimist party had given to the Orléans. A message to that effect was brought to M. de la Ferté, an old and confidential adviser of the Count de Chambord, by Count Jarnac, who is well-known in England, where he was a long time at the French Embassy, under Louis Philippe, and married a sister of Lord Foley. M. de la Ferté was quite moved by the proposition of the Count de Paris, but a few days afterwards he returned this singular answer in the name of the Count de Chambord: "The Count could not see his cousin immediately; he must first go to France, where he was about to issue a manifesto on very important political questions. If his cousin wished to see him afterwards, he would be happy to meet him at Bruges, in Belgium."

The Legitimists of the Chamber were much distressed by this answer and by the announcement of a manifesto, as the first manifesto issued by the Count de Chambord contained very imprudent declarations about Italy and the Papacy. When the Count arrived at Chambord, they sent to their chief their most important men, Bishop Dupanloup, M. de la Rochefoucauld, M. de Falloux, M. de Maille, M. de Cumont, and M. de Meaux, the son-in-law of Montalembert. Every effort was made to hinder the Count de Chambord from issuing his new manifesto; but these efforts were vain. The manifesto appeared, and a more imprudent challenge of all the rights of France could not have been made. The Count de Chambord has wounded the feelings of France, and chosen, as it were, the tenderest place where he could thrust his sword. It was not enough for him that the two monarchical parties should be ready to unite and choose him as a sovereign, he was not contented with his historical right, he claimed a divine right; he did not remember the words of Bellegarde to Henri IV., "Out of France there is no king of France." He called himself Henri V. before the Assembly offered him the crown. In the late war, all the Legitimist gentry fought under the tricolor; he throws it aside, and says that he will return with only the white flag. This was not only a mistake in politics, as the flag is always the symbol of the national life—it was a historical mistake. The old French flag was, till the time of the subjugation of France by England, a red flag with a cross, something like the present English flag. It was abandoned because it so much resembled the English flag; but Jeanne d'Arc's oriflamme was not white; the white flag was that of the Protestants during the wars of religion. Henri IV., when he became king of France, preserved it; but down to the French Revolution, there were in reality two flags in every regiment, one white with the lilies, the other red with the cross of Burgundy.

But it is useless to discuss such a question from a historical point of view; politically, the white flag represents the principle of absolute monarchy; the tricolor represents the great principles of '89, which are not incompatible with the existence of a constitutional monarchy. By his defence of the white flag, it looks almost as if the last French Bourbon means to make himself impossible. He cannot have much love for a country in which Louis XVI. was beheaded and his own father stabbed; but he might have had some pity for that respectable party which has remained faithful to him for forty years, and which discovers now that it was tied to something which has no life, and which does not wish to live. If the Count de Chambord did not desire the crown, he ought to have invited his followers to transfer their allegiance to the Count de Paris. But he quitted his country in two days, leaving behind him only a document which does not absolve his followers from their loyalty, and which at the same time is quite unacceptable by the country at large. When the manifesto appeared, the Count de Falloux said: "The Count de Chambord has killed the king, we must not allow him to kill royalty." An embassy of the most important Legitimists of the Chamber was therefore sent to the Count de Paris; they thanked him for his abnegation and for the readiness he had always shown to subordinate his own claims to those of his cousin, if the majority of the country thought it best to unite all the Conservative forces on the name of the last Bourbon, but begged him not to call on the Count de Chambord, at least for the present, as his visit might imply an adherence to principles and ideas which they could not share themselves.

A handful of Legitimists will remain in France, like the old Jacobites of England, but you may consider the great majority of the party as now gained over by the Orleanists. Of course they cannot be very loud nor very ardent supporters of the younger dynasty; but they will probably

some day be counted among the best, as the ranks of the Legitimist party are filled with many country gentlemen of good fortune who are not vulgar politicians, and have more independence of character than the generality of our parliamentary veterans.

Meanwhile, we remain in this extraordinary state: we are a republic without republicans, and a monarchy without a monarch. The Count de Paris is living in Paris as he would in New York or in Boston. His younger brother, the Duc de Chartres, is no longer Captain Chartres, as he was in the days of your war—he is Major Chartres. He entered the army, as you probably know, during our war with Germany, under the name of Robert Lefort. He gave himself out as born in America of French parents. His great knowledge of military matters, his proficiency in the English language, everything was explained by his comrades with one word, "He is the Yankee captain." He was promoted to the rank of major by Gambetta, who did not know who he was, and made at the end of the war a Knight of the Legion of Honor. He took part in defining the lines of the armistice, and astonished the German officers by his knowledge of German. His wife was then in England, but, in order to keep his secret, he spent many weeks without writing to her or receiving letters from her. He had more money and better horses than his friends; but was not his father in New York rich enough to send him good hunters and good cigars? But his position in the army is still irregular; and, in order to have a regular commission, he has been obliged to offer to go to Algiers. His children have not yet crossed the Channel; his young and charming wife has only enjoyed for a few days the just popularity of her husband; and, next week, Major Chartres will go to Constantine, to join a regiment of cavalry. Surely everybody must admire so much energy and goodwill, nor shall feelings of personal friendship hinder me from praising it, especially as these lines will probably never make their way to Constantine. But I have thought that it would be interesting for all Americans to know what has become of Captain Chartres, who was one of the first volunteers, with his brother, in the great war against secession, and who has always preserved the greatest interest in the welfare of the United States.

GERMAN AUSTRIA—ALSACE—PEACE CELEBRATIONS.

BERLIN, July 22.

HAVING been out of town for the last eight weeks, I did not witness the triumphal entry of our troops into the capital, or participate in any of the festivals which took place on the days preceding and following their reception. I spent my time in German Austria and Saxony, and on the Rhine, between Cologne and Strassburg. In my letter to-day, I propose to lay before your readers those impressions and observations which seem to me of more general interest.

I had to travel much in German Austria, and to deal with all classes of the people. The fertility of the land, the mildness of the climate, and the easy way of living, remind one more of a southern country. As Berlin, in comparison with Vienna, is only a poor upstart, so the German provinces of Austria are Gardens of Eden compared with the sterile and sandy plains of Northern Germany. But this natural disadvantage turns out a moral and economical advantage to our people. While the Austrians are indolent, lazy, and given to all kinds of amusement, the North-Germans are industrious, sober, and thrifty. Far from being stupid or even slow, the Germans of Austria are intelligent, quick, and witty, but undisciplined and irreverent in the highest degree. There is very little intellectual life in them. Since Emperor Ferdinand II. (1619-1637), with his Jesuits and cuirassiers, eradicated Protestantism in these his hereditary provinces—nine-tenths of them were Lutherans 250 years ago—the intellectual progress of German Austria has ceased; she is a priest-ridden country, and her development is much behind that of the Protestant German provinces. Whatever may be said to the contrary, for the Teutonic nations Protestantism is the *conditio sine qua non* of all intellectual and physical progress.

The stupid policy of the present Government, which tries to reconcile and win over a small numerical majority at the expense of a large minority of intellectual and financial strength, which patronizes the Czechs, Slaves, and Hungarians, and on every occasion wounds the feelings of the Germans, drives the latter into the arms of the new Empire. The coquetry of the Hohenwart ministry with Poles and Czechs will not hold the monarchy together, but tends to hasten its dissolution. A free Galicia must excite the distrust and jealousy of Russia, and a free Czechia, which, even before having been called into existence, threatens to annex the few Slavish countries of Prussia, as for instance Lusatia (Lausitz), cannot and

will not be tolerated by Prussia. I had ample occasion to witness the prevailing spirit in the large cities, in Vienna, Prague, and Brünn, where pre-eminently the educated and wealthy classes are deadly opposed to the present Austrian rule. The rise of the new German Empire is greeted by our Austrian countrymen with the same enthusiasm as by all other Germans living abroad. Being in a minority at home, they hailed the German victories over the French as harbingers of their own better future, and of a prouder position among the semi-civilized tribes which together constitute the majority of the Austrian population. The Vienna press, on the occasion of the Berlin festivals, had as warm, if not warmer, articles congratulatory of the great results of the war, than the Berlin papers, which, by the way, in every respect are far inferior to their Viennese contemporaries.

"Why did not Bismarck take us in 1866? We were all ready to join you," was a most common remark made to me by leading political men. When I told them that, as far as I knew, not one intelligent German, and Bismarck last of all, had such an idea; that it would be a great misfortune for both parties if the natural development of things were unduly accelerated; that the new German Empire was not yet strong enough to swallow and digest eight millions of Catholics and three millions of Bohemians, they admitted the correctness of my reasoning, but complained of the hopelessness of their own case. I trust that Austria will hold together for at least a generation or two, but I cannot help saying that, in my opinion, she has already entered upon her liquidating process. The winding-up of a large house takes, of course, more time than that of a small one, but dissolution is sure to come; it has been decreed by the Government itself. If, according to Alexander Hamilton, a nation without a national government is an awful spectacle, a nation inspired with distrust and contempt towards its own government offers a still sadder spectacle. This is the case in Austria. I was struck with hearing financiers, lawyers, noblemen, officers of the army, in short, all sorts of conservatives, speak in the same derogatory tone of their government. They do not desire a revolution, but they are all eager for the breakdown of the empire. "The present dynasty," remarked a witty gentleman, "is a necessity for Austria, but with it Austria is an impossibility." I saw the Emperor and the court at the solemn procession on the "Corpus Domini" celebration. Francis Joseph looks rather dull and worn-out, but there is more good-nature in his features than wickedness. The long line of princes, magnates, and priests, in their official mediæval costumes, and the profusion of dress and diamonds, gave the impression of a masquerade or fancy-dress ball. Geographical conditions, political tradition, and the *vis inertiae* hold this empire together; it does not know yet upon which side to fall.

At Strassburg I spent only two days, too short a stay to give you an impartial statement of the condition of affairs in the newly conquered provinces. From what fell under my personal observation, I judge the people are very far from being reconciled with the new German rule. This is quite natural in itself. It took more than fifty years for the Rhenish province of Prussia to become practically German, and it had not been separated from us more than twenty years. Just because the Alsations are so pre-eminently German in their character, it will take a generation or two before they will have overcome their prejudices against the mother-country. The statements of the official papers are to be received with great caution; they are all instructed to paint the Alsatian feeling in rose-color. Prussian officers with whom I dined told me that at night they are not safe in going alone through the streets, as they are stabbed from behind. They are even ordered to pocket the insults offered them at almost every step, as the Government does not want to increase the bad feeling. This is a very bad policy, fraught with the worst consequences. Prompt and stern justice, and punishment of every crime, are the only means of making the new Government respected and strictly obeyed, while untimely leniency is interpreted as weakness by the mass of the conquered people. Under the present regulations, the Prussian soldiers are laughed at, for the populace know that they are forbidden to revenge themselves, but they stand in awe of the Bavarians, whom the Strassburgers call the "blue devils" (on account of their light-blue uniform). These men are allowed to give vent to their feelings when they are attacked, and their officers, instead of being ordered to punish them, turn aside or pay no attention when their soldiers kick and cuff. The consequence is that the Bavarians are much more respected in Strassburg, and that they seldom have any quarrel or fight. The German governor, Count Bismarck-Bohlen, a very humane man, will soon find out that lenity will not do, and will be compelled, by the attitude of the Strassburgers, to resort to stronger and harsher measures. At some of the hotels the

Germans meet with all sorts of petty annoyances. At mine, the landlord did not want to change a Prussian double Frederic d'or (about \$7 90 gold) except at a discount of two francs; the German gold, he said, was not half as good as the French, and he only came to terms when I told him that I would drive to police headquarters and submit the case to the chief.

In all other parts of Germany there is not a town which, within the last four weeks, has not celebrated the triumphal entry of its troops, which had not its white-clad maiden of honor, who presented addresses, poems, and laurel or oak wreaths to officers and men, its banquets with corresponding patriotic toasts and good wishes for the stability of the peace bought at so dear a price. I have not heard of any discord on these occasions; everything went on smoothly and enthusiastically. I happened to witness the festivals of Frankfort and Mentz. Imagine Frankfort four years ago, dissatisfied, grumbling, cursing, submitting with the worst possible grace to a hard but well-deserved fate, and turning the cold shoulder to everything that was North-German and Prussian, and mark the contrast now: a bust of Emperor William or Bismarck—"our Bismarck," said an old Frankfort financier to me—or Moltke in almost every window; the new black, white, and red flag of the Empire floating much oftener in the air than Frankfort's favorite black, red, and gold; the Goddess of Victory surrounded by the statues of Prussian uhlans and hussars; every house and door decorated with patriotic German mottoes; even the Exchange closed, to give the bulls and bears an opportunity of mingling with the joyous crowd; music in the streets, hurrahing and cheering for United Germany; the princes of the Exchange talking, laughing, and drinking with the private soldiers; in short, the new Empire everywhere and the old Republic of Frankfort nowhere—it was a strange and gratifying spectacle! On the Rossmarkt, under the statues of Gutenberg, Faust, and Schaeffer, I noticed a Prussian, a Bavarian, and a Saxon soldier sitting with locked arms, complimenting each other, as hearty and friendly as if they had known each other from their boyhood. All the old differences and animosities had been effaced by a short year of common hardship, heroism, and success. In going home to my hotel, I passed the Goetheplatz, and looking up and bowing reverentially to the statue of the great poet and thinker, I could not help repeating Mephistopheles' words:

"Blut ist ein ganz besonderer Saft."

At Mentz, I observed the same hearty enthusiasm. What I witnessed this time formed a strange and noble contrast to what I had seen there in 1848, when citizens and soldiers were opposed to each other, when the overbearing conduct of the latter led to bloody conflicts, which were fought out in the streets with sabres, firearms, and clubs. This time, the daughters of these same old democrats presented flowers and bouquets to the officers and men of the triumphant army, who were their friends, kinsmen, brothers, and cousins; and the old democrats themselves opened their hospitable houses to the rank and file. One of them, Mr. Ad. Kupzberg, the great manufacturer of sparkling hock, invited the whole regiment of the Fifth Dragoons, and treated them with his best hocks on the terrace of his house. No speeches were inflicted on the thirsty and hungry guests. The 6,500 men who entered Mentz were each provided at the city's expense with a bottle of good wine; but after their disbandment there was an unlimited amount of drinking in the various wine and beer gardens. I went through dozens of them, saw the men sitting with their aged parents, or brothers and sisters, wives and children, who had come to bid them a hearty welcome and bring them their plain clothes. There was a general frolicking and carousing from two in the afternoon till midnight; but I only discovered five drunken men—one of them dead drunk, i.e., unable to walk, and leaning against the wall; another one simply drunk, i.e., with zigzag gait, and balancing himself with his arms; and three fellows tipsy, i.e., merrily shouting and trying to embrace all bystanders. At headquarters, however, eleven were reported drunk.

On the entry of one of the Mentz regiments (the 87th, which is recruited in Nassau), I witnessed a little incident which is worth being narrated here. The regiment was on its way to the Schlossplatz when a stout, resolute peasant woman broke through the ranks, put away the officer at the head of his squad, and embraced her husband, loudly crying, "He has belonged to you long enough, now he is mine once more, and you will never get hold of him again!" When the other women standing along the street, and eagerly watching for their turn, noticed this unceremonious procedure, there was no longer any restraint, they all broke into the lines, and each of them seized her son, husband, or sweetheart. The captain could not defend himself against this invasion, good-naturedly

suffered to pass what he could not stop, and led his men and women to the Schlossplatz, where, amid the cheering of the people, the women assisted the soldiers in unstrapping their knapsacks, or held their needle-guns, while in the other hand each carried a bundle of modest citizen's clothes, and afterwards all ate and drank merrily together.

The Munich celebration of July 16, in which the Prussian Crown-Prince participated, closed this species of festivals. It took place just a year after the order of mobilization of the German armies had been issued. The era of wars is closed now, let us hope, for generations at least. The work of peace now doubly claims its right. We have to lay the solid foundations of the new Empire. With a firm determination we are about to engage in this task. May its results come up to the glorious successes of the war!

Correspondence.

THE COAL PRODUCTION.

TO THE EDITOR OF THE NATION:

SIR: You publish, under date of August 3, 1871, as follows: "The coal producers continue their insane course, sending to the market at the rate of twenty-six millions of tons per annum, although the largest consumption never yet exceeded seventeen millions." Have the goodness to inform a subscriber what becomes of the excess if it is not consumed or wanted by consumers, as there seem to be no stocks of any account accumulating anywhere, and a steady demand continues.

A SUBSCRIBER.

PHILADELPHIA, August 4, 1871.

[Even if we were to plead that the details of the coal trade lie somewhat out of our sphere, that would not alter the fact stated by us, that the weekly production is largely in excess of the largest known average of weekly consumption. One of the reasons why, in spite of the enormous production, there might not as yet be any very visible accumulation of great stocks, is that, with the experience of last year before their eyes, the wealthier portion of the public is readily induced to buy by the rumors industriously circulated by coal dealers that another strike is imminent. But is it true that there is no accumulation of stocks anywhere? We are assured by persons familiar with the trade that great depots are now being formed at various points along the coal-roads, to store these very stocks that "A Subscriber" asserts "seem not to be accumulating anywhere." Is it true that there is a steady demand? Is it not, on the contrary, true that the Reading Company, unable to maintain the price in the Philadelphia market, owing to the excess of production, has given notice of an early advance in freight rates, in order to stimulate the demand? That the same company, unable to find that steady demand, is selling its own coal at a pretended loss, and lower than other operators can afford it? That, owing to the absence of steady demand, prices have been lower than last month, and that, at the usual monthly convention on the 15th inst., a further reduction of wages is considered inevitable? And, finally, that throughout Huntingdon County a reduction of 10 per cent. in wages took place on the 29th ultimo, and that all the Broad Top miners are on a strike in consequence? Our correspondent may not have heard of these things, which surely do not look like a steady demand; but, even if they had not occurred, would that have altered the simple fact of our original statement?

The fact is that the four great railroad and canal companies are carrying on a competitive struggle with the mine-owners, and with one another, which results in an inevitable periodical overstocking of the market. When this overstocking results in a decline in price, they seek to make up the difference by a reduction in wages. Heretofore, the season has generally opened with wages at a comparatively high figure, so that the working miners could afford to submit to some reduction, and yet live. This season, wages have commenced at the lowest figures known for years, figures at which, according to the unanimous testimony of the merchants and dealers of the neighborhood, the men are scarcely able to sustain themselves in decent comfort, and yet, before the first sixty days of the season are over, a reduction has already taken place in some districts, and is hourly ex-

pected in others, while the railroad companies are, at the same time, advancing the freight, and thus preventing the consumer from benefiting by the decline in the wages. Yet, in spite of these ominous facts, the railroad companies are forcing the trade to the extreme of their ability, and, in at least one instance, have actually taken new men into a district to increase their production—a course which our epithet of “insane” scarcely adequately characterizes.—ED. NATION.]

“RAILROAD AXIOMS.”

TO THE EDITOR OF THE NATION :

SIR : In confirmation of the truth of the positions taken by you in an article under the above caption, permit me to offer in evidence the railroad experience of a fertile interior county of Kansas. The county in question is about twenty miles in breadth from north to south, and was traversed from east to west, through its centre, by the overland road from Atchison to Fort Kearney.

The travel over this road created a demand for corn, to supply which many farms were opened and profitably cultivated, until the building of a railroad across the southern portion of the county caused the abandonment of the overland traffic, when the raising of corn in the entire northern half of the county became unprofitable, and was abandoned. Two railroads are now in operation across the county, and divide it into three nearly equal parts, and the cultivation of corn has in consequence been resumed, and is fairly profitable.

Real estate is held at an advance upon pre-railroad prices of about one-third ; but there are few purchasers, for the reason that emigrants prefer to go one hundred miles further west, and settle upon Government land at one dollar and twenty-five cents per acre.

It would be idle to deny that railroads have conferred benefits upon the farming regions of Kansas ; but I could easily fill pages with facts and figures proving that your estimate of those benefits approximates the truth more nearly than that of Mr. Poor. These extravagant generalizations are working a harm the extent of which cannot be calculated, for they are received by the people as sober estimates, and induce the granting of city, township, and county bonds to aid the construction of the railroads from which such impossible benefits are expected to be derived. The country is in this way rapidly duplicating the national debt, which alone is a grave draft upon the pockets of taxpayers.

ATCHISON, KAN., August 1, 1871.

C. I. S.

A CORRECTION.

TO THE EDITOR OF THE NATION :

SIR : Allow me to call your attention to what appears to be a very unnecessary piece of hypercriticism in the characteristic notice, in the *Nation*, of Miss Putnam's article in *Scribner's Monthly*. Your literary editor sees fit to assume that Miss Putnam has signed her name as the author of an article of which she was only the translator. I write to say that the article was entirely original with her, and that its having been so published should have been sufficient evidence of the fact, notwithstanding the philological discoveries of the careful reviewer, and the errors of the compositor. In justice to Miss Putnam, I trust you will print this statement.

Respectfully,

G. H. PUTNAM.

NEW YORK, August 4, 1871.

[The assumption mentioned was based on the fact that the whole tone of the article in question, and, in many instances, its phraseology, was so un-English as to make it seem precisely like a not perfectly English translation of a French original. This assumption was made more easily, as a little foot-note to the title of the article had a sort of impersonality in speaking of its authorship, which made it unnecessary to take the fact of Miss Putnam's name being in the general table of contents as a proof, or an assertion, of her authorship. Had it been so taken, the assumption would not have been made. Of course, it does not stand at all before Mr. Putnam's statement.—ED. NATION.]

COL. A. G. BRACKETT.

TO THE EDITOR OF THE NATION :

SIR : You will please correct the statement made in your journal of the 27th ult., in the review of Gen. Garfield's oration on the life and character of

the late Gen. Thomas, in which you mention the name of A. G. Brackett among the officers of the old 2d Cavalry who “all went over to the enemy and became generals in the Confederate service.”

If you will take the trouble to look into Col. Brackett's military record (see Henry's “Military Record, U. S. Army,” vol. i., p. 39) you will find that he, then a captain, escaped from Texas when General Twiggs surrendered to the rebels, and took with him to the North the loyal remnant of the 2d Cavalry, which he commanded at the first battle of Bull Run, being Gen. McDowell's escort, and most ably covering the retreat of a portion of our army at the close of that disastrous day.

During the course of the war, Col. Brackett was severely wounded in an engagement with the rebels in Arkansas, and was afterwards Inspector and Chief of Cavalry in Gen. Thomas's army in Tennessee. As he is now on the Western frontier in command of his regiment, the 2d U. S. Cavalry, and of course unable to correct this blunder, it is due no less to the *Nation's* own reputation as a generally well-informed journal, than to that of a gallant officer, whose loyalty, like that of Gen. Thomas, was sternly tried in those dark days in Texas, and since then on many a hard-fought field in battling for the Union, to make the *amende honorable* in your columns.

No such error as this could have crept into a journal published in the West, where Col. Brackett is so well known, and its correction will be especially gratifying here to his old comrades of the Army of the Cumberland.

Respectfully yours,

WESTERN.

CHICAGO, August 3, 1871.

[Before receiving our correspondent's letter, our only knowledge of Colonel Brackett was derived from an appendix to the above-mentioned oration by General Garfield—a Western man, by the way, and a Western soldier. In that appendix the official roster of the 2d Cavalry is quoted, and of Captain A. G. Brackett it is stated that he “became a general in the rebel army.” This statement caused our error, which we correct with pleasure.—ED. NATION.]

Notes.

MESSRS. FRANCIS B. FELT & Co., of this city, will republish that rather unintelligible production called “The Coming Race ; or, The New Utopia.”—By an error in copying, Mr. Burroughs's “Wake-Robin” was, in our review of it last week, assigned to the wrong publishing-house. Messrs. Hurd & Houghton are the publishers. On the same page (79) was a misprint of the name of the author of “Rhododendrons,” who is Mr. Edward S. Rand, jr.—Mr. W. J. Stillman's work on Crete is announced for the 15th of September by Messrs. John Ross & Co. It will be entitled “The Cretan Insurrection of 1866,” and will attract general attention, not least in diplomatic circles.—Messrs. Roberts Brothers have in preparation “English Lessons for English People,” by Mr. E. A. Abbott, author of the excellent Shakespearean Grammar, and Professor J. R. Seeley ; also, a reprint, with a prefatory note by Miss Louisa M. Alcott, of the “Record of a School, Exemplifying the Principles and Methods of Moral Culture,” of which Mr. Bronson Alcott was the teacher. That there never was anything like this school before or since may safely be affirmed by those who read this “Record” many years ago.—Messrs. J. B. Lippincott & Co.'s announcements include Whympers's “Scrambles among the Alps ;” Captain Palmer's “Kidnapping in the South Seas ;” Fritz Reuter's “Seed-time and Harvest ;” “American Encyclopedia of Printing,” by J. Luther Ringwalt ; and “Beautiful Butterflies Described and Illustrated,” by H. G. Adams.—Messrs. Porter & Coates will issue a new “centennial” edition of the Waverley novels ; and the same anniversary will be celebrated by Messrs. J. R. Osgood & Co. with a “Life of Scott,” their “Lands of Scott” being already in the hands of admirers of the great novelist.—Dr. A. S. Packard, jr.'s “Record of American Entomology for the Year 1870” is now for sale at the Naturalists' Agency, Salem, Mass. It is a small pamphlet of 27 pages, but is indispensable to scientific entomologists, for whom chiefly it has been prepared.

—The *New York Medical Journal* for August opens with an article by Dr. John C. Peters, based upon and giving copious extracts from McNamara's “Treatise on Asiatic Cholera.” The position maintained is, that “every outbreak of the disease beyond the confines of British India may be traced back to Hindostan, through a continuous chain of human beings affected with the disease, or through water contaminated, or articles

stained, with their dejecta." This is fully illustrated by an account of the great festivals and pilgrimages which inevitably develop and disperse to all parts of India, and ultimately of the world, the dreadful contagion; and two maps show to the eye the regular routes of the cholera from its nest on the Ganges through all the territory of Islam to Eastern Europe. In reading this itinerary, and especially the pages describing the normal condition of the native villages in India, where the cholera is endemic, one gets a lively idea of what may be called the hygienic solidarity of mankind. The moral and political solidarity is already acknowledged, as for instance that all the world is concerned in the form of government that prevails in France and in the "peculiar institution" of the Southern United States. But how many Americans who contribute scrupulously to foreign missions, feel it any of their business that the following description is true of millions of human beings in another hemisphere?

"The entrances to the villages are many, but not easily discoverable; while the paths through them are so narrow and tortuous that it is difficult for a stranger to find his way through them. The huts are huddled together in masses, and pushed up to the very edge of the ponds or tanks; their projecting eaves often meet together; while the intervening spaces, impervious to the rays of the sun, are converted into privies and necessaries, which are used by both sexes in common. Pools of liquid filth, often covering 150,000 square feet, by actual measurement, are found in some of these villages. . . . There is no such thing as a pump in all India, and all their drinking-water is drawn from the large ponds, or pools, or tanks, or from open wells, and is always carried about in leather bags, made of sheepskin, which can never be properly cleansed, and are often in constant use for years. . . . This filthy pool or tank water is also used by the natives to dilute the milk which is sold for public consumption."

—The Nineteenth Annual Report of the Boston Public Library agrees with those which have preceded it in testifying to the prosperity of that institution, and in furnishing many useful hints and statistics for librarians everywhere. Thus, the new expedients for close stowage of books here described will doubtless be gladly imitated; and so might the Superintendent's catalogue of works of fiction, designed to help the young in their choice of this kind of reading, and cultivate a better taste than their inexperience permits. Last year, while the Public Library was gaining 18,000 volumes, the Astor Library added but 1,500 to its jealously secluded stock—not so many as the number ordered by the Boston Library at the request alone of its frequenters. Out of 1,665 titles thus recommended, "979 were in the spheres of theology and ecclesiastical history." The Superintendent says:

"I find in the report of Mr. Furnivall to the Chaucer Society a rather significant statement regarding the widespread interest felt in this country in the higher departments of pure literature, as shown by the number of subscribers which that society has in this country, compared with the patronage it gets in Great Britain. While there are twenty libraries in the United States receiving their publications, there are but eight in England, one in Ireland, and none in Scotland."

—Some of the figures in this report may be curiously compared with those lately furnished, for the year 1870, by the Minister of Public Instruction in Italy, in regard to the 28 Government libraries (not including the Roman). The Boston Library has 32,000 registered patrons, "though probably about a third of that number would represent the borrowers using it at any one time." In Naples, five libraries had 192,972 readers, or an average of 38,594; three in Florence had 92,095, or an average of 30,698; the National Library of Milan had 39,207; that of Parma 35,127; and there were three others whose readers were over 30,000, while the University Library of Turin had the enormous number of 115,489. But the exact meaning of these figures is questionable. The total number of works lent in or from the Boston Library was 322,445; in the Italian libraries collectively only 1,057,230, with periodicals included, it would appear. The gain of the Boston Library we have already stated at 18,000 volumes (besides 15,000 pamphlets). The total gain of the Italian libraries was but 11,706 volumes—the largest being that of the University Library at Naples, 2,473.

—Henry Longueville Mansel, Dean of St. Paul's, and Waynflete Professor of Moral and Metaphysical Philosophy in the University of Oxford, died July 31, aged fifty-one years. He was one of the most eminent of that half-German, half-Scotch school of philosophers founded by Hamilton, but was much more Kantian than Hamilton, and the main burden of his celebrated work on the limits of religious thought lies in tracing out at great length the antinomies into which the intellect falls in attempting to reason about the infinite, and in deducing a method of avoiding these difficulties. He seldom appeals to that intuitive cognition of abstract truths to which Reid or rather Hamilton had given the very inappropriate title

of "Common Sense." As to the character of his mind, Mansel was a sharply consecutive logician within a narrow sphere. It is not unusual for such acute scholastic thinkers to be so deficient in the power of using other methods of reasoning more difficult to analyze, but far more valuable than the syllogistic procedure of which they are masters, that the deficiency is universally recognized under the name of a lack of common sense. Some traces of this defect may be seen in Mansel. Though his premises are bound to his conclusions by an iron bond of demonstration, his books generally fail to produce conviction and rather seem to serve as a *reductio ad absurdum* of his principles. A philosopher of this sort is not often met with; and though he is the worst enemy of the system he undertakes to defend, he does really advance our knowledge of philosophy more than ten broader-minded but less thoroughgoing and consistent writers. Mansel's "Limits of Religious Thought" and "Prolegomena Logica" were published at a time when the Hamiltonian metaphysic and logic were greatly in vogue. They are far more radical than Hamilton in the same direction; and their perfect clearness and consecution, combined with the obvious repugnance of their conclusions to considerations of another kind that could not be set aside, have probably contributed not a little to the downfall of the influence of that philosophy. However that may be, the pre-eminence of Hamilton's system has now so entirely passed that the early death of Mr. Mansel is less to be regretted in the interest of philosophy than it otherwise would be. His last book, "The Philosophy of the Conditioned," showed considerable critical power, but the arrogance of a high metaphysical position would always have prevented him from correctly estimating the strength of an empirical philosophy.

—A monograph on the "Origin of the Seven Years' War" (*Der Ursprung des Siebenjährigen Kriegs*), by Leopold von Ranke, is a fresh reminder of the remarkable vigor of this venerable historian. The remote occasion of this work was the opening of the Austrian archives to historical enquiry, a liberty of which Ranke availed himself in order to perfect his knowledge of Austria's relations with France, and particularly with Russia. He had, indeed, been preceded by others in researches in this quarter, and one must not look for novelty in the present narrative so much as for vivid and dramatic handling of the author's theme. His proximate motive in returning to a field which he had already thoroughly worked, was the distraction from other studies caused by the late war, which engrossed all his sympathies and required an occupation which had some not fanciful relation to it. This, he says in his preface, he found in tracing the connection between the Seven Years' War and the war of 1870 with France, and in so doing was less conscious of the difference of time of the two epochs. The likeness, in fact, between Prussia at the close of the Silesian wars and after 1866 is one that suggests itself, and there lacked little (perhaps only another chancellor than Von Beust) to complete the parallel in a Franco-Austrian alliance against the North-German Confederation, furthered, *inter alia*, by that common religion which the Abbé Bernis had pointed out to Count Stahrenberg as the natural bond between the enemies of Prussia. Frederic, too, in his policy of keeping the French out of Hanover, was really maintaining the Germanic idea which has now fruited—the grand idea of non-interference with the internal development of other nations, and non-submission to foreign intermeddling. Like Bismarck and Moltke, Frederic did not wait to be attacked when he saw the necessity of fighting; and, though in his case the end of the war found the Prussian territory unenlarged, it was the preserving intact his possessions against a most formidable triple alliance that constituted a real success, and saved his fatherland.

—Ranke's work thus truly forms a part of the literature of the late war, and is, it need not be said, of a high order. Publications which relate to actual military operations have only begun to come in, though the prospect is that we shall have enough of them by-and-by. The Prussian staff is at work gathering its materials, and each German state will probably give us its "Bavaria during the War of 1870," or the like. Commanders of the several campaigns in France will also have their special story to tell, and regimental histories will, doubtless, not be wanting. Then, too, we shall hear from the Quartermaster's Department, and from its right arm, the Field Telegraphic Corps—the right arm, in fact, of the whole service, whose members rode always bravely at the front, and whose knowledge of French was as general and thorough as the knowledge of German was wanting among the French telegraphers; who even employed their leisure in making scientific experiments, working on wide circuits from St. Germain round by Vienna, Constantinople, and London, and testing new instruments. Already we have from General Von der Tann a vindication of the Bavarian troops in the battle around

Bazeilles, where, as was charged by an English nobleman in the *Times*, in revenge for the part the inhabitants took in the defence of the town, it was wantonly fired, and women and children perished in the cellars where they had taken refuge, or were thrust back into the flames, leaving only 300 survivors out of a population of 2,000. The General quotes from a report of the Mayor of Bazeilles the following figures: Of the inhabitants, killed, wounded, and missing, 39, including among the stabbed and burnt 2 bedridden women, 3 men, and 3 children. One other woman was killed on the second day of the fight, which was desperately contested on the part of the French, and cost Von der Tann's corps a loss of 2,000 men. The village unavoidably suffered destruction from the shells. From 140 to 150 inhabitants have died since the war, from sickness resulting from destitution. We may notice here that the well-known work, "*Der Krieg um Metz*," by a Prussian general, said to hold a high rank in the general staff, has been translated into French by a competent officer of the general staff of the French Rhine army, and published in Brussels. The translator has added notes of value and interest. His account of the French losses before Metz is as follows: On the 14th of August, Bazaine's army numbered 168,000 men, with 540 guns, including 84 mitrailleuses; on the 16th it was reduced to 157,000; and on the morning of the 18th, to 140,000 men. On the last day, the total loss was raised to 32,817, of whom 1,642 were officers.

—Among the other "barbarians" of the German army of invasion, our readers will recall the significant number of Sanskrit scholars, one of whom sent home the famous Sanskrit despatch concerning the battle of Sedan. A curious comment on the French vanity which was satisfied with nothing else than the French leadership of mankind has been furnished by Dr. Albert Weber, Sanskrit professor at Berlin. He communicates to a German paper the substance of an article in the November number of the *Friend of India*, contributed by a Hindu, who passes judgment on the two powers at war, and concludes in favor of the Germans. They are, he says, more Hindu in their philosophic tendencies and feelings than any European people, "but their great merit is the honor they have brought upon India by honoring the Sanskrit literature, and taking the lead in reviving the study of the language." Their defeat would therefore be disastrous to Sanskrit erudition and enquiry, and indirectly to the general welfare of India. The language, too, has not been without its humanizing effect on those who have made themselves acquainted with it, as witness the Germans, who have shown European energy combined with Indian gentleness. "Thank God that France, noble France! has fallen into yet nobler hands." The Rajah of Besma wrote in February to a German Sanskrit philologist, that the great victory must surely rest with "our Prussia"; and still another Hindu, of Christian descent, says, in the *Bengal Christian Herald*, "Germany Gallicized would be a misfortune to the whole world; France Germanized might possibly be a gain."

MASSON'S LIFE OF JOHN MILTON.*

So long a time has passed since the publication of the first volume of Masson's "Life of Milton" that the public had well-nigh forgotten it, or dismissed it to the limbo of things begun and never finished. The author, however, has not been idle all these years, and comes forward at last with another volume, and the promise of a third to follow speedily. And this volume shows on every page the marks of such minutelabor as to explain sufficiently the delay in its appearance. One is tempted to say that it is the work of more than one lifetime to write a life of Milton after this model, and it is evident that the work has grown upon the author's hands; for in his original preface he proposes to complete the book in three volumes, the second to reach to the year 1660. But the present volume covers less than a fourth of the time here proposed! Probably the movement in the succeeding volumes will be more rapid, for this has to do especially with intellectual controversy and political history; and the military events of the following years will be passed over cursorily. Even at this, however, the work is on a vast scale, and threatens to require years and years for its completion.

The plan of the work is perhaps to be commended, though certainly people who write biographies after Mr. Masson's method should keep constantly before their minds the brevity of human life—their own and other people's—and the number of lives that are to be written. To be sure, no life can be properly understood without a good knowledge of the

influences that surrounded it, and Milton's life was connected closely with the temper of the time in which he lived. Still, the best justification for Mr. Masson's course is one that belongs to him in quite another character than that of a good biographer, and is to the effect that through biography is the best way to learn history, and the biography of Milton will serve perhaps better than that of any other man as the groundwork for the history of England in the middle of the seventeenth century. But, clearly, there must be bounds to the general history to be treated in connection with a man's life, and beyond a doubt Mr. Masson errs in the amount of details into which he enters. There is a great deal of very valuable material, the result of laborious investigation, which is, after all, mere material, and might much better be published in a separate treatise, and given here only in a compendious summary. It is, however, only a question of degree, and we confess ourselves glad, even at the expense of Mr. Masson's reputation as a skilful literary workman, to have just these things in our possession in this convenient and accessible form. And there is no question of the exceeding value of this method of illustrating history; and though we may disagree with our author as to whether it is his proper business, we agree fully with him when he says, in reference to his portraits of the members of the Long Parliament, "that such a counting of the eminent heads of any time or moment . . . is worth, for genuine historical purposes, hundreds of pages of mere narrative or disquisition."

One is more forcibly impressed with the degree in which Milton's life was the outgrowth of the times when one considers how impossible it would be to write in this style, and on this scale, a life of almost any other great English poet. It would, for example, be hard to find two men of so great celebrity, and so nearly contemporary with one another, who formed so great a contrast in this respect, as Shakespeare and Milton. Biographers of Shakespeare have enough to do to find materials for one moderate volume; but here is a life of Milton which is likely to fill as many volumes as his works. The reason is obvious.

Milton, on the other hand, is in almost every line the poet of his age, and, more than that, of his own nation, and his own party and sect. It matters very little, in reading Shakespeare, that the man himself is an almost shadowy personality, so that many intelligent people have actually reasoned themselves into a belief that he did not exist at all—did not exist, that is, in the sense in which his existence is of any moment to us, as writer of these plays. But Milton cannot be comprehended at all unless we understand the England of that day, and particularly the Puritan movement, in which he was so distinguished a leader.

From this it follows further that, while Shakespeare is every year read and studied with fresh and increasing enthusiasm, Milton's greatest work is read less and less, and is rapidly becoming, with the mass of readers, merely a name—a kind of impersonation of sublimity in poetry. His party did its work and passed away; its doctrines are rapidly losing their hold on mankind; the great issues, the tremendous conflicts, of the seventeenth century are now only a matter of history. And Milton, being essentially a writer of those times and those issues, has become, in a very great degree, a writer of the past, most valuable for him who would understand the thoughts and feelings of that age, but of little direct and immediate interest to us now. Portions of his writings—passages from his great epics, some of his sonnets, the *Samson*, the *Lycidas*, the *Comus*, *L'Allegro*, *Il Penseroso*—these will endure till our language dies; and the *Satan* is one of the great conceptions of the human intellect. For Milton was not merely an Englishman and a Puritan—he was a very great poet; and he could not fail to produce much that should be free from the accidents of his time and country, and should be a portion of the universal heritage.

After all, Milton was not so much a Puritan as a poet and a lover of freedom; and it was more as a lover of freedom than as a Calvinist that he threw himself into the great struggle of his day. There was nothing in the essential nature of Puritanism that tended to liberty, and it never claimed for itself that praise. It was dogmatic, despotic, terribly in earnest. Its aim was to conquer the world from the powers of darkness, and to hold humanity in a new subjection—a subjection to the truth, to be sure, but one as rigid and complete as that of Catholicism itself. Thus, two systems of religion, both of them dead in earnest and bitterly exclusive, came into conflict; and because one of these was already in possession of power, and was determined to keep possession of it, the other became the champion of free thought and free institutions. In this way, it came about that, in the great religious conflict of the sixteenth century, Calvinism became identified with progress and freedom. The seventeenth century presented new issues. The religious question was no longer the

* "The Life of John Milton: narrated in connection with the Political, Ecclesiastical, and Literary History of his time. By David Masson, M.A., LL.D., Professor of Rhetoric and English Literature in the University of Edinburgh." Vol. II. 1638-1643. London and New York: Macmillan & Co. 1871. 8vo, pp. 608.

chief one; here latitudinarianism and compromise prevailed, and excited the apprehensions of earnest Calvinists. But secular questions and political controversies had taken the place of the theological battles of the preceding century, and Puritanism—the English phase of Calvinism—found that its chief task was to do battle against absolutism and prelacy in the church. Thus, circumstances now, as well as in the earlier generation, forced Calvinism to take the lead in the contest for liberty; and here was Milton's quickest sympathy and most active co-operation. He was not indifferent to the theological aspect of the struggle; he was, as Mr. Masson shows, not merely an anti-prelatist, he was a pronounced Presbyterian. But, still more, he was a republican and a lover of good government.

The years treated of in this volume are those which followed directly after Milton's return from abroad, when the civil war was brewing, including a year or so of the war. The important events in Scotland which led to the war, or, at least, immediately preceded it, are narrated with considerable minuteness. "I do not consider," Mr. Masson says, "that this portion of Scottish history has been adequately represented in its English connection." The transactions of the Long Parliament are told in a very clear and interesting manner, and the state of parties, as well as the outset as in those changes which led Colepepper, Falkland, Hyde, Deering, and others over to the King's side, is made very intelligible. The meeting of the Westminster Assembly is briefly described, and there is a rapid sketch of the military operations of the first year, chiefly noticeable for the distinctness with which the geographical relations are pointed out. It is shown, from an analysis of the House of Commons, that the Parliament was strongest in the centre, east, and southeast of England; the King in the west and north. The military operations themselves are narrated in relation to five geographical districts, and thus the confused movements of these months of the war are made clear.

Analogies, in such a war as this, with our own civil war are of course easy enough to find, from the necessity of the case. For instance, Mr. Masson shows how the war had to develop its own soldiers; not, however, it appears, from trained but unknown men as ours, but from the ranks of civilians. Here was a strong contrast. On the other hand, what is said of Essex is unquestionably true of the spirit of some of our generals. "The state of Essex's mind with regard to the war was such as to disable him, even had he had the necessary strategic talent, from being an aggressive commander-in-chief. Faithfully and honorably to act on the defensive for London and the Parliament against any move of his Majesty, but not, if it could be avoided, to drive his Majesty to extremities—such was Essex's plan" (p. 464).

During this period Milton's life did not abound in incident. He resided in Aldersgate Street, teaching his nephews, and at the end was married, going for his wife, it seems—he a well-known Parliamentarian pamphleteer—into a district held by the King, and a family of royalist sympathies. His writings during these months, with the exception of the "Epitaphium Damonis," in commemoration of his friend Charles Diodati, were five antiepiscopal pamphlets. All these writings are analyzed, with copious extracts. We have also an account and an analysis of his studies and jottings in search of a subject upon which to write; and the interesting fact is brought out that already his mind was powerfully attracted to the theme which he took up many years after for his great poem. "As early as 1640, Milton's thoughts were full of the subject of 'Paradise Lost.' It was with a view to a drama, indeed, that he then entertained the subject; but the pre-eminence it takes in the list, on this understanding, over all the other subjects (ninety-nine in all) is very remarkable. It stands first of all; there are three drafts of it at once, and a fourth draft some time afterwards, set down with a direction to compare it with the last of the former three; and, altogether, this single subject occupies nearly a page and a half of the entire seven pages of jottings. There are few facts in literary history more striking than this predetermination of Milton in his early manhood to the subject of the greatest work of his later life" (p. 116).

Another interesting point—quite in the style of Shakespeare's commentators—is the discussion as to Milton's military knowledge. Mr. Masson is obliged reluctantly to admit that Milton did not serve in the army of Parliament, where he was bound to be, "if any man in England was bound." His marriage, in June, 1643, he thinks may have had something to do with it. However that may be, he undertakes to show, from the exhibition of military knowledge in his poems, that he did in all probability get a practical acquaintance with military drill at this time. One point here seems to be of value as a piece of commentary. The "ported spears" (Paradise Lost, iv. 981) have puzzled commentators, who have generally

explained the term as meaning *advanced*. But we are told that, on the contrary, the *port* "is the movement or position preparatory to the 'charge.' It is the grasping of the pike diagonally across the body, butt down towards the right, and point upwards in the air over the left shoulder, so as to be ready to bring it down strongly and suddenly, by a half-wheel of the body, to the push for receiving an enemy." A body of men with spears held thus may very well, he says, be compared to a field of grain which "bends her bearded grove of ears which way the wind sways them."

It is curious to meet with such a passage as the following, quoted from the famous "Smectymnus" pamphlet, by Calamy, Young, and others: "We shall show anon that there is no more truth in this assertion than if he had said, with Anaxagoras, 'Snow is black'; or, with Copernicus, 'The earth moves and the heavens stand still.'" "Strange," adds Mr. Masson, "to find that in 1641 the Copernican theory could still be cited as a universally admitted example of delusion!"

As we have said, although he is by no means without other faults, Mr. Masson's principal fault as a biographer is the plan which he adopts. The landscape which serves as a background to his portrait of Milton is painted with pains, and with much of a certain sort of picturesqueness—which the reader will do well to distrust and disregard—in a manner in which Mr. Masson is an old offender. In the performance of the work his style is not good, but it may be commended as a fairly good variety of the graphic, often running deliberately into slovenly colloquialisms, and sometimes rather feebly inflated.

LAVELEYE'S "PRUSSIA AND AUSTRIA."*

THIS work of the eminent Belgian publicist consists of ten elaborate and comprehensive essays contributed to the *Revue des Deux Mondes* in the years 1860-69. Their titles sufficiently explain the contents of the collection: "The Aggrandizements and the Army of Prussia;" "The Soil and the Constitution of Landed Property in Prussia;" "The Recent Progress of Prussian Agriculture;" "The Unitary Movement and the North-German Confederation;" "Austria and her New Constitution;" "Hungary: her Institutions and her Future;" "The Nationalities in Hungary and the Southern Slavi;" "Deák Ferencz [Francis Deák];" "Poles, Ruthenians, and Czechs;" "The Concordat and the Religious Struggle in Austria." And rich and varied as is his field, we have no hesitation in saying that the author has treated all its divisions with the zeal of a curious observer and the discernment of an expert critic. For he is not satisfied with lucidly presenting the various aspects of the political and national institutions, developments, tendencies, and problems before him, and with explaining historically their origins, but he judges, approves, and condemns, and offers his own solutions. This refers chiefly to things and doings in Austria, which, less fortunate than Prussia, presents not a picture of strength in peace and war, which cannot but be admired, but a strangely checkered tableau of political and national incongruities, which bespeak a past full of discord and blunders, and a future full of uncertainty. Yet, however plausible M. de Laveleye's appreciations and solutions may be, the principal merit of his book consists in its correct statements of facts and circumstances, and its analytical and retrospective elucidations.

His main subject is the Austro-Hungarian Empire; and the following abridged review of the situation at the close of the war of 1866 may show how complex and interesting a subject it is:

"Everywhere, conflicts of nationalities; the clashing of irreconcilable pretensions, and inveterate jealousies of race. In the Italian portion of the Tyrol, a lively desire for union with Italy; in the German, a fanatical population, overexcited by Ultramontane preachings; in Vienna, the defenders of church-rule and the partisans of modern ideas wrangling over the Concordat; in Trieste, a group of *Italianissimi* eagerly grasping every opportunity for anti-Austrian manifestations; in Fiume, a civil feud between the Croat nationals and the friends of Hungary; in Agram, the Slavi, exasperated at the reunion with Hungary, and cursing Austria for abandoning them to their old-time enemies; in the Banat, the Serbs turning their eyes towards Belgrade, and dreaming of the restoration of Dushan's empire, under the protection of Russia; in Transylvania, the humbled Roumans talking of Bucharest, and silently counting their superior numbers, and the Saxons mistrusting the Maygars, and but unwillingly accepting the new organization; in Hungary, the people ruminating their old grudges against the Germans, and aspiring after absolute independence; in Galicia, the Poles working for the resurrection of their country, and the Ruthenians invoking against them the aid of the Muscovites; in Bohemia, Czechs and Germans at strife about everything, and the national

* "La Prusse et l'Autriche depuis Sadowa. Par Emile de Laveleye." Two vols. Paris: Hachette & Co. (New York: F. W. Christen). 1870.

party threatening a war of races under the banner of Pan Slavism; at the centre, an emperor animated with the best of intentions, but trained in the ideas of a by-gone age, and utterly disconcerted by blows suffered at the hands of former allies; around him an ultra-Catholic court, a Protestant and foreign Prime Minister, and an army smarting under the humiliation of unmerited defeats, and before him the bottomless abyss of deficits and imminent bankruptcy."

That this chaotic situation was not followed by the dissolution of the empire, but by a reconstruction on a liberal basis—which promises a much brighter future—is, as everybody admits, chiefly the merit of the Hungarians and of their leader, Deák; and our author dwells with enthusiasm on the rare political qualities of the former and the wisdom and spotless career of the latter. His biographical-historical sketch of the statesman is indeed a panegyric, but a panegyric without flattery. Of the history of the nation which a hundred years ago Gibbon declared endowed by nature with "a strong constitution both of body and mind," cherishing "love of liberty and love of arms" as ruling passions, he says: "It deserves to be taught everywhere, in order that the rising generation may learn by what persevering efforts, by what bloody sacrifices, freedom must be conquered, and what great things may be achieved by a nation fitted to enjoy it." The people that, among its representative men in our times, "has produced a type of a patrician like Széchenyi, a type of a parliamentary liberal like Deák, and a type of a revolutionary tribune like Kossuth," he unreservedly asserts to be inferior to no other.

We are sorry that this excellent publication is marred by a considerable number of errors in its historical portions—such as false dates and names—mostly, we presume, but not all, owing to the carelessness of the compositor and proof-reader, and in any case inexcusable. Thus we find "Jan. 18, 1706," for Jan. 18, 1701, as the date of the coronation of King Frederic I. of Prussia (Vol. I., p. 27); the Regency and Louis XV. brought into connection with the reign of Frederic I. who died before Louis XIV. (I., 28); "Charles II." for Charles XII. (ib.); "Frederic William IV." for Frederic William III. (I., 31); "1849" as the date of movements in Hesse which took place the following year (I., 48); "1815" for 1813, as the year of Bismarck's birth (I., 220); "1303," for 1308, as the date of the assassination of the Emperor Albert I. (I., 296); "1412," for 1438, as that of the accession of Albert II. (I., 298); "Margaret," twice, for Mary [of Burgundy] (I., 299, 300); the Emperor Ferdinand II. designated as the "father" of Leopold I., whose grandfather he was (I., 303); "1735," for 1746, as marking the end of the reign of Charles VI. (I., 306); "Bela IV.," for Bela III. (II., 19); "1380," for 1382, as the last year of Louis the Great of Hungary (II., 21); "1457," for 1458, as the first year of Matthias Corvinus (II., 24); "1525," for 1529, as the date of the first siege of Vienna by the Turks (II., 26); "1620," for 1622, as the date of the peace concluded by Ferdinand II. with Bethlen (II., 28); "1701," for 1703, as the first year of the Hungarian insurrection under Rákóczy (II., 32); "1575" in connection with Ferdinand I., who died in 1564 (II., 62); and "1846," for 1844, as the last year of the Diet opened in 1843 (II., 180)—opened not as stated (II., 103) by "the Emperor Francis," but by his successor, Ferdinand. We point out these mistakes not without the hope of seeing them corrected in an English translation, which the work amply merits.

MINNESOTA AND CONSUMPTIVE PATIENTS.*

Few medical enquiries, unfortunately, have a wider interest in the Eastern and Middle States than the question where the best climate for consumptive patients can be found. The works which we have mentioned recommend that of Minnesota as preferable to any other.

The argument of these volumes may be summed up as follows: 1. The winters of Minnesota are freer from sudden changes than those of other States. 2. Its atmosphere and soil are remarkably dry. 3. The effect of cold upon the invalid is tonic, and tends to the cure of pulmonary disease; while warm climates, though they often palliate the cough and other symptoms, lower the physical tone of the patient, and comparatively seldom yield him permanent benefit. The winters of Minnesota are, indeed, exceptional in their length and in their severity. Dr. Mattocks, quoting from Blodgett's "Climatology," admits a period of 148 days—a period extending from the 24th of October until the 20th of March—during which vegetation is dormant, and the temperature, even in the city of St. Paul, reaches the surprisingly low average of 16° Fahrenheit, or sixteen degrees below the freezing point of water. An intelligent correspondent, in a letter recently

addressed to a journal of this city, maintains that during the past few years the severity of the Minnesota winters has been much relaxed. But the Smithsonian Institute records show for St. Paul a winter temperature more than eight degrees lower than that of Utica, in Central New York, while its summer temperature is six degrees higher. The climate of Minnesota is thus one of extremes that are even more severe than those of the East.

It is to be admitted, however, that at least during the winter the changes of temperature take place under a condition which makes them considerably less trying to the invalid than variations of equal amplitude in warmer climates would prove to be. In Minnesota, the mercury during the night seldom rises from below the freezing point to above it, or passes the same point in falling. This is necessary, according to Dr. Mattocks's definition, "to constitute a change of weather in the winter." Thermometrical oscillations of large extent do, indeed, frequently take place during the night; but their highest limits are generally below the freezing-point. They involve no thaw, no liberation of vapor; and they may, consequently, be regarded as less injurious to the lungs than the variations which are called "a change of weather."

This advantage, however, is partially offset by the admission that in Minnesota "there are but few days in winter when the mercury does not rise at midday above 32°." Whatever benefit may result from an atmosphere too cold for the solution of aqueous vapor—and to the invalid who must remain for the greater part of the time in warm rooms, this benefit is not so great as is commonly supposed—must be lessened by the occurrence of this daily thaw. If the invalid is housed during the hours of "uniform" cold, it may well be doubted whether he can gain much advantage from its tonic influence.

But the main offset to the Minnesotan claim of an equable climate remains to be stated. Upon enquiring into the thermal record of the entire year we find that, if its winters are colder, its summers are not less warm than those of the seaboard States. The climate of Minnesota has not the equable temperatures that are noted upon the central portion of the continent. It is essentially an Eastern climate, and its thermometers are liable to the same imaginative exaltations and depressions that Mr. Lowell has noticed in the East. During the year 1870, the residents of St. Paul, according to the official reports of the Smithsonian Institution, were hurried from the temperature of twenty-three degrees below zero, on the 20th of February, to that of ninety-nine degrees above zero on the 29th of June—a leap of one hundred and twenty-two degrees in a hardly greater number of days. These figures give little support to Dr. Mattocks's invitation to "come and stay through the year." The extreme temperatures of last year were touched at dates but four months distant from each other. Except in the limited sense that we have already indicated, the climate of Minnesota cannot be considered equable.

The second point claimed for that climate is, however, at least in its statement, less open to criticism. In the greater dryness of the atmosphere of Minnesota we find a marked difference between it and the climate of the seaboard States. Its distance from the coast gives it a comparatively dry winter: it has a winter rain-fall of but two inches, including melted snow, while "the Northern coast States have a winter fall of ten inches of moisture." On comparing entire years, we find that the whole rain-fall of Minnesota is not more than half of that recorded in the coast States, the major part of the rain-fall being in the summer.

This much is incontestable; but the controlling question is, How far is the rain-fall of a given climate prejudicial to health? Moist climates are not, in general, those in which consumption is the most prevalent. Most parts of Europe have a moister atmosphere than Massachusetts, and yet nowhere in Europe is pulmonary consumption so prevalent as in the Bay State. In a climate far more moist than we have anywhere found in Europe—that of Hilo, in the Hawaiian Islands—consumption is almost unknown. Dr. Bowditch has shown the powerful influence of damp soil and of excessive shade in fostering this disease; but that it is induced by the amount of the annual rain-fall, or the amount of vapor held in solution by the free current of the atmosphere, is a point which we have never seen proved, and which our own observation of facts leads us to question, if not to deny. The second claim under consideration, in short, must be held to be of little more value than the first, except as to the dryness of the soil, a point which seems to be well established.

The third argument remains to be considered—the tonic effect of cold upon the consumptive patient. This we shall find to be a more valid claim than either of those that we have noticed, though it requires certain restrictions of statement which neither of the authors in hand has made. A

* "Minnesota as a Home for Invalids. By Brewer Mattocks, M.D." 16mo. pp. 200. Philadelphia: J. B. Lippincott & Co.
"Minnesota: Its Character and Climate. By Ledyard Bill." 16mo. pp. 205. New York: Wood & Holbrook.

cold climate is, doubtless, an excellent stimulant to those who have strength to avail themselves of it; and it is not unlikely that there are subtle tonic influences in such a climate which are not perfectly understood, yet which confer benefit upon the invalid. Yet the feeble consumptive who cannot bear the exposure of a carriage-ride will be unlikely to find benefit in the winters of Minnesota, admitting that they are still colder winters than those of the East. Upon those originally weak constitutions which form so large a portion of the supply of phthisis, the effect of cold is seldom good. It diminishes instead of stimulating the activity of the circulation; it numbs the extremities, and chills the whole body, while no reaction or glow follows exposure. For such, the warmer airs of the South afford the only hope. But when the constitution of the invalid has power to react against the stimulus of cold, when he feels a glow after his ride or walk in the wintry air, an increased activity of the circulation and of appetite—when, in a word, fuel thrown upon the weak flame of life does not quench it by its mass, but rather catches alight, and helps it to burn afresh, then the invalid will do well to resort, at least for a winter, to Minnesota. This is not the place in which to draw more sharply the lines of distinction between these two classes of invalids; but the pathologic classification is not difficult to the intelligent physician; and we believe that, by sending at least his stronger patients to Minnesota, he is likely to procure them a permanent benefit.

Pink and White Tyranny. A Society Novel. By Mrs. Harriet Beecher Stowe. (Boston: Roberts Brothers. 1871.)—This is emphatically a novel with a purpose. "Beauty is but skin-deep;" "marry in haste and repent at leisure," are but a small portion of its moral teaching. The thoughtful reader is taught to despise New York and to worship Boston and the smaller New England towns; society, in its various forms, with the exception of lawn-teas, is shown to be not only hollow but also vicious; to prefer French novels to Froude's "History of England" is shown to be not far from the crowning crime in a life of vice; it is but a short step for a woman from smoking cigarettes to becoming unfaithful to her husband. This is the result of a careful observation of American society at the present day. At least, such is the picture of it that Mrs. Stowe presents to us in this book. Now, society is often frivolous; fashionable mothers often neglect their children; many trashy novels are read by the young; but a novel that makes these faults so prominent as this work of Mrs. Stowe's fails in two respects—first, as a novel, as a record of observation; and, secondly, as a moral weapon. In regard to the heroine, for instance, all the good that Mrs. Stowe can say of her is, that she is pink and white, and even this is grudged her. Her good looks are always spoken of as we may imagine Queen Elizabeth to have remarked upon the ephemeral charms of Mary Stuart. Nor has Lillie Ellis any moral beauty either. She flirts; she fibs about her age; she likes to go to parties, and not to Sunday-school; she reads George Sand's "Indiana"; and so far may be taken as representing a bitter view of a fashionable young woman, with her frivolities and pettinesses. But, besides this, she is charged with talking about her engagement as not even the most flippant and jaded belle would talk of such a matter, and with being unutterably selfish—in fact, without a single redeeming trait. Mrs. Stowe has no words too harsh for her. Of course there may be such women, and of course the novelist has a perfect right to choose them as the subjects of novels; but of course, too, it is unfair to take them as specimens of the average woman of fashion, who is no such person, except in certain homekeeping imaginations in the quieter portions of New England. Those fashionable women whose principal fault is frivolity will not profit much, we fear, by this instruction. They will only smile, knowing that it never entered their heads to be as bad as this heroine. It is to be apprehended that they will imagine themselves to have detected the animus of so severe an attack upon them, as when, for instance, their stupid little harmless parties are compared with the naughty glories of Mabilie or of the Black Crook, and will, very properly, consider themselves pictures of innocence in comparison with such women as this Lillie.

Nor are the virtues of New England put in an attractive light, though, to be sure, the contrast between them and the corrupt pleasures of New York is sharply drawn. Instead of "mansions occupying a whole square of the city, with enchanted bowers, created by temporary enlargement of the conservatory covering the ground of the garden," where "light-footed waiters circulate with noiseless obsequiousness through all the rooms, proffering dainties on silver trays," we have readings of Lecky and Froude, and "social gatherings" for pasting paper-covers on Sunday-school books. Not that we have the slightest wish to sneer at such

amusements; we are only objecting to the spirit that gives a ball too hard names; and also to the literary method. If a man is a pickpocket, we are authorized neither by the moral law nor by any approved literary canons to call him also a murderer, incendiary, and mutineer. In short, we object to Mrs. Stowe's representation not only on account of its uselessness as an agent of moral reform, but its falsity as a delineation of American society. Whatever absurdities that society may have, it wants a very great deal of being so bad as Mrs. Stowe paints it.

As for the good characters in "Pink and White Tyranny," we do not mind saying that the good husband of the bad Lillie is a sad specimen of a prig; and it is our clear conviction that he was as well off matrimonially as he deserved to be. His sister, also, the capable young lady, who knows clear-starching, and likes to teach Sunday-school, and does not like to read French novels, and sighs over the mis-match of her noble brother, is also an offensive person, and merits calamity and grief.

Treatise on the Bankrupt Law. By Audley W. Gazzam. Svo. Second edition. (New York: George T. Deller. 1871.)—Instead of the reproach sometimes cast upon it of being too merciful, the recent legislation of the United States on the subject of bankruptcy deserves the praise of justice and consideration towards all classes that it affects. Foreign systems, founded on the theory that fraud is always the cause of commercial failure, copy the stern lender rather than the forgiving lord of the Christian parable, and spare the misfortunes of debtors very little in their harsh enforcement of the strict rights of creditors. The new bankrupt law of England of 1869, it is true, shows a closer conformity to the enlightened spirit of the age. How much of this lenity is due to the relaxed tone of commercial morality which Europeans impute to the English race in both hemispheres, and how much is the fruit of wise and liberal thought, presents a question too large for discussion here.

Probably, very few are now living who recollect, either as its subjects or its interpreters, anything of the first Bankruptcy Act passed by Congress in 1800, which remained in force less than four years. Framed on English precedents, it followed the English severity of the time in treating a failure in trade as a criminal offence. The next law upon the subject, which was even more short-lived, operating only for two years from 1841, perhaps erred in the other direction. At any rate, it was generally regarded as a "whitewashing act," and passed out of existence as soon as it had performed its function of setting the victims of the crash of 1837 on their legs again. The present Bankrupt Act was more imperiously demanded for the relief of the widespread ruin dealt by the civil war. Carefully matured by comparison with foreign legislation, and adapted to the energy, risks, and elasticity of American mercantile life, it embodies principles of justice and beneficence which ensure its permanence as a part of the law of the land. Already passed into the region of refining discussion, it will become a nucleus for diffuse commentaries. It opens another specialization of study and practice for the members of the legal profession, who will find in the volume prepared by Mr. Gazzam an instructive and indispensable guide.

Any bankrupt act seems simple in theory and limited in range. It seeks to administer a trust promptly, with equal and exact justice, among a few parties, placed in special and temporary relations to each other. But questions as to their intention, and conflicts among their interests, produce elaborate discussions and call for nice judicial discrimination. This volume professes to be nothing more than a résumé of decisions pronounced on the great number of points raised and debated in the practical working of the law. Perhaps it is yet too early to suggest any amendment of its provisions. Still, a careful comparison of many of its features with those of the English statute is not neglected, particularly those on the topic of absconding bankrupts, which is likely to grow in importance under our Federal system. And the author's experience gives weight to his recommendation of the substitution of salaries to registers instead of the fees they now receive. The propositions of the text are for the most part terse statements of the settled law, gleaned from nearly a thousand reported cases, and supported by citations in more than double that number of notes. This part of the work is carried out thoroughly, with faithful research; but the author is less successful whenever he departs from the plan of close comment to indulge in reflection or illustration. His style, in these few instances, wants the clearness and method indispensable to good legal writing, and the author would lose nothing by dispensing with original remark in the future editions which his book deserves to reach.

A few years more of administration will complete the uniformity of decisions under the Bankrupt Act, and confirm their authority, and thus the system will be guaranteed in permanence by its convenience as strongly as by its beneficence. The early doubts as to the constitutional sphere of the National Government in regard to the relation of debtor and creditor have long since been dispelled. If the foreign merchant had to thank our domestic troubles for the tardy establishment of a law which relieves him from the pursuit of claims under the statutes of more than thirty different States, the increasing needs of our own commerce no less will insist on upholding it. In the dry dust of the discussions embalmed in these pages may be clearly discerned the outlines of two forms under which the Federal Government will hereafter rightfully and legally assert its power. One is, the control in all cases of bankruptcy and insolvency alike over the legislation of the several States. Not only do the Federal courts inhibit the prosecution of suits in such cases before the State tribunals, but it is also the settled doctrine that the jurisdiction and legislation of a State as to the settlement of insolvent estates are wholly suspended so long as the national Bankrupt Act remains in force. And one reason for this is well stated by our author, that under State laws "the appointment of an assignee rests with the debtor, which the Bankrupt Law clearly defines as the prerogative of the creditors." Another dormant power of the National Government which will spring into salutary action under the Bankrupt Law is the control over insolvent corporations, irrespective of any State laws regulating their dissolution. No one can doubt the necessity of such control who remembers the ownership of property in more than one State by some of the great railroad corporations, and their corrupt practices with some legislatures for its protection. Upon this point our author justly remarks: "There is no other proceeding provided by law whereby railroad and insurance companies and banks whose affairs have been mismanaged can be so promptly and efficiently compelled to go into liquidation as by the wise provisions of the United States Bankrupt Act."

Of course, the development of these features of the Bankrupt Law will be as warmly combated as its enactment was, by arguments addressed to the dread of centralization—and as irrelevantly. There are fields of State legislation which the National Government has no right to invade, but this is not one of them. Uniformity among the several States in the laws regulating the descent of property and the collection of debts is desirable, but it cannot be imposed by Federal authority. The diversities between East and West in the law of divorce shock the moralist. The laxity of Illinois attracts temporary settlers from her sister States, as the historian Strada relates that the privileges of Brabant drew mothers expectant from the neighboring provinces, eager to graft their coming offspring on that happier tree. But much as we may desire it, Congress cannot be called on to teach her virtue. It is not so with the jurisdiction of the several States over a subject of such general concern in our commercial country as the management of a bankrupt's property. In the very early years of the Federal Government it was settled, upon stronger grounds than those which afterwards seemed to justify the creation of a national bank, that this interest was within its constitutional sphere of exclusive legislation, and if as an indirect result those corporate monsters which are the danger and offence of this day are to be brought under Federal oversight and chastisement, that will be a sort of centralization there is reason to pray for heartily.

L'Education Sentimentale. Par Gustave Flaubert. (2 vols. Paris: 1870.)—This novel, which appeared shortly before the beginning of last year's war, so that it was one of the last novels of the Empire, we should be glad to see placed upon a high shelf; and we would have the shelf high in order that the book might not be thoughtlessly taken up by any one who only sought an evening's entertainment. He will not find it here, but rather two or three days of deep despondency. Indeed, it seems to us to be the most horrible novel we have ever read. It is simply a black picture of corruption. The author's most celebrated work, "*Madame Bovary*," prepares one for a grim, serious treatment of his subject. That novel, by its faithfulness of execution, its pitiless analysis of character, and, above all, by its moral dignity, stands eminent and almost alone among French novels. The author is a moralist who does not disdain to use in defence of virtue those very weapons that have so long been attacking it. His unflinching severity would be almost terrifying did we not remember how widespread is the plague he was attacking. "*Salambo*" has shown us what a rare power of description is his. In the present story we see much of the same quality, although at times the descriptions are labored and some-

what tiresome, and the story itself is so painful that admiration is hardly possible. It is the account of the demoralization of a man, a Frenchman, who leads what it would be too severe to call the ordinary life of the time and country, although there is nothing in the book for which numberless examples cannot be found in many an experience. Frederic Moreau, the hero, if we may be allowed to misuse the word, comes to Paris from the provinces, a lad of eighteen or nineteen, with the firm intention of falling in love with some other man's wife. This youth is not, however, especially corrupt, that is to say, he does not sink to this state gradually, but finds this purpose of his set before him ready-made to his hands, as a creditable and ordinary way of making a successful start in life. Such conduct seems to him dangerous enough to be tempting, but not wrong enough to need discussion. He regards it as a matter of course. With a career of corruption, in comparison with which this is purity, we may be sure Flaubert makes no savory tale, nor is it one that will be attractive to any one by its impropriety. That certainly is the last thing one would say about the book. From this beginning the book rolls sternly on to its cynical ending. We watch Moreau exchanging this artificially formed attachment for a real one for the same woman, throwing away all opportunities for working, or for leading a decent life, but we watch without giving our sympathy, for his vice is never gilded, yet with an interest that Flaubert's pitiless power irresistibly demands of the reader. The poor fellow disappoints his dotting mother, breaks with his friends, squanders his money, and in return gets nothing but dust and ashes. This is the sum of the book: it is the moralist's view of what is called a life of pleasure. Yet this is in no degree what we might call the grown-up Sunday-school story, where naughty Jack stays away from church, goes sailing, is upset by the squall, and drowns miserably, while Charles listens to the sermon, repeats the text at home, and gets two slices of cake at tea. Such easy solutions of a question always overshoot the mark; there are no more sensitive critics than sinners who may read such books; they well know how to avoid the solemn warnings and to distinguish themselves from the guilty; but in this tale there is no loop-hole, there is no call for fire from heaven to punish the sinner—he perishes by his own devices; he is no unnatural monster of crime, he is only weak, and his gradual fall is as probable and natural as it is sad. The termination of the book, the very last chapter, is the only one which we should find fault with in the matter of workmanship. It has touches of cynicism which are only wilful additions to the bitterness of the whole, as where Deslaurier's wife is said to have run away from him after living with him only a year. The account of the conversations of the Socialists and Republicans, and of the conduct of the mob in the Revolution of 1848, are interesting, as throwing a light on the events in Paris of the last few months.

First Lessons in Greek. By Prof. J. R. Boise. (Chicago: S. C. Griggs & Co.)—*Greek Lessons.* By R. F. Leighton. (Boston: Ginn Bros.)—There has been hitherto no thoroughly satisfactory text-book for beginners in Greek; but this want has at last been supplied by two excellent works, both presenting the same general features, but sufficiently unlike to have each a distinctive character of its own. Both combine—as every book for beginners must do at the present day—grammatical instruction with constant practical exercises, both in, translating from Greek into Latin and in forming sentences in Greek. Both are, moreover, merely "methods," omitting all matter that may be found in the grammars, and giving constant references to the grammars, so that the pupil requires both Grammar and Lessons from the first. Prof. Boise's "*First Lessons*" refers to Hadley's Grammar, and is intended as an introduction to the author's edition of Xenophon's "*Anabasis*." The lessons consist of very easy sentences, mostly constructed for this purpose, and arranged to illustrate the portions of the grammar successively taken up. When the regular forms of etymology have been gone over in this way, thirteen lessons of "*Short Sentences*" give practice upon rarer and more irregular forms, and, being taken, with more or less changes, from Xenophon's "*Anabasis*," serve as a special introduction to that work. These are prepared with a good deal of skill, and altogether the book possesses those qualities of skillful arrangement and expression, accuracy and simplicity, which have given Mr. Boise so distinguished a reputation as an instructor.

Mr. Leighton's "*Greek Lessons*" is adapted to Goodwin's Grammar, and is preparatory to his Reader, now in press. It is a book of much wider scope than the other, as it contains, besides the "*lessons*" proper, themselves much more extensive than Boise's, four chapters from the first book of the "*Anabasis*," and eighteen pages of advanced exercises to be translated into Greek. It is, therefore, no less a special introduction to the "*Anabasis*"

than Prof. Boissé's, but it aims further to lead the pupil to a practical command of the language, both in reading and writing, so as to enable him to take hold of any Greek of moderate difficulty. This end is further attained by the method of selecting all or nearly all the sentences for practice from the chapters of the "Anabasis" which follow, by which means a considerably greater range of expression and sentences of greater difficulty can be introduced, than is practicable on the other method. It will be seen that both books possess valuable features, and different teachers may with good reason prefer the one or the other.

Gold and Name, Birth and Education, The Wife of a Vain Man. By Madame Marie Sophie Schwartz. Translated from the Swedish by Miss Selma Borg and Miss Marie E. Brown. (Boston: Lee & Shepard. 1871.)—We cannot give praise to these works of Madame Schwartz, nor yet do they deserve too harsh treatment, for they carry their principal condemnation with them on every page, every page being dull. If novels were not primarily intended to be amusing, these works would be excellent. Their morality is unimpeachable. There are villains, of course, but they are villainously unattractive; so far from being fascinating in their rascality, they rather are such sad specimens of wickedness, that every time they open their mouths their prominent faults are exposed in a way that would well serve as a solemn warning to the youngest and most depraved reader, were it not that his elastic conscience would of a surety tell him that at all events he is nothing near so bad as these people. For instance, there is "The Vain Man," whose wife is the heroine of one of the novels—there never was just such vanity in any being of mortal mould. He is the stupidest kind of caricature of the foible. He has as much vanity as Pecksniff has hypocrisy, while, instead of being amusing, he is an ineffably tiresome bore. Here he is being vain; he is talking to his wife, p. 71:

"I wish people to see us together, so that every one can say of us that we still live happily after a five years' marriage." Evart (the vain husband), nodded to Ellen [his dotting wife], and left the room. When he had made his toilet, which was no slight affair for him, he returned to his wife, perfumed and dressed with a care which showed how anxious he was to preserve his reputation of a 'handsome man.'

"I forgot to tell you, Ellen, that I desire you to work more zealously on the second volume of your poems. I think, besides, that you ought never to receive morning calls anywhere but in your study; a literary woman ought to spend her forenoons there, else any one would think you were not such a person. One thing more: the subject of woman's education is now the fashion, and it seems to me you ought to write something about it. Adieu! Do not forget to think of your toilet for the first of May."

With this the monster leaves. One sees how very vain he is; fastidious about his dress, shutting his wife in her study, lest people should not think her literary, making her choose the fashionable subject to write about, and, finally, encouraging her in thinking of perishable ornaments of dress. Alas! And so he is always. Now, this appears to be as morally useless as it is undeniably feeble. Yet one must read page after page of this delicate delineation of character, while the story languishes, and it is no wonder if the mind by-and-by revolts at such perpetual preaching. Passion and sentiment are all tamed or caricatured to serve the interest of morality and smug sentimentality.

It is, perhaps, better that these novels should be translated than, for instance, those of Miss Mühlbach, with their fatal silliness and often great offensiveness. At any rate, they give us some slight information about Sweden. But nevertheless it is a thing to be regretted, when one remembers how many really excellent novels there are which remain sealed books to those who only read English. A great deal has already been done, but there is still room for more, and it would be a pity if all foreign novels were considered by the average American reader to be divided into only two great classes—one composed of novels unreadable, on account of their impropriety; the other, on account of their feebleness and dullness. There are many which fall into neither class, such as those of Turgeneff, and although these and similarly good works might never become universally popular, there are certainly many who must regret the hour spent over Madame Schwartz who would be only too glad to be able to read the works of some of the ablest novelists now living, and whose enthusiasm for the study of other literatures will only be dampened by such very mediocre tales as those of this lady.

The Institutes of Medicine. By Martyn Paine, A.M., M.D., LL.D. Ninth edition. (New York: Harper & Bros.)—This is a volume which represents the researches and the speculations of its author, upon the themes of physiology, pathology, and therapeutics, for a period of twenty-three years—the period intervening between the appearance of the first and the present or ninth edition. It is addressed to the medical profession; and it presents the substance of what is known of the three subjects we have mentioned. Not being written in ignorance of the latest researches of medical science, its discussions are generally brought well up to date. Its faults are occasional diffuseness and a tendency to theorizing which impair the value of the work as a manual. We note a single sentence in paragraph 638, which covers seven closely printed pages—a quite uncalled-for eccentricity. But the general conscientiousness of the writing and research in this volume merits praise—the more so as a special effort would seem to be making at present to overthrow public faith in the value of medicine as a science. But a few days ago a newspaper as intelligent as the *Tribune* could puff a new "remedy" for cancer in an editorial article, and say, "We incline generally....to the quacks." Now, as is well known, we have our own opinion as to some of the gentlemen in politics who receive the support of the *Tribune*, but so distinct an avowal of enmity to honesty in science, and of cordiality towards a class of impostors whose ignorance is not their most dangerous endowment, is in every way indefensible. Dr. Paine's work ranks distinctly upon the side of disinterested science; we wish that its spirit might be transfused into some of our newspapers.

BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Prices.
Cornell (J. H.), <i>The Introit—Psalms for Sundays and Holy-Days.</i> (Pott & Amery) \$1 50	
Egli (J. J.), <i>Nomina Geographica, Part 3, swd.</i> (B. Westermann & Co.)	
Hunter (Dr. J. B.), <i>Review of Darwin's Theory, swd.</i> (D. Appleton & Co.)	
Hutton (R. H.), <i>The Incarnation and Principles of Evidence.</i> (Pott & Amery)	60
<i>Inside Paris during the Siege.</i> (Macmillan & Co.)	2 00
MacDonald (G.), <i>The Portent: a Tale.</i> (A. K. Loring)	
Palgrave (F. T.), <i>Lyrical Poems.</i> (Macmillan & Co.)	1 75
<i>Proceedings of the Free Religious Association, swd.</i> (Boston)	35
Roby (H. J.), <i>Grammar of the Latin Language.</i> (Macmillan & Co.)	2 50
<i>The Sower's Reward, swd.</i> (T. B. Peterson & Bros.)	25
<i>Transactions of the American Philological Association, swd.</i> (Hartford)	
Whitney (Mrs. A. D. T.), <i>Zerub Throop's Experiment: a Tale.</i> (A. K. Loring)	

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